

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**JOSEPH THOMAS; VERNON AYERS;
and MELVIN LAWSON**

PLAINTIFFS

v.

CIVIL ACTION NO. 3:18-cv-441-CWR-FKB

**PHIL BRYANT, Governor of the State of
Mississippi; DELBERT HOSEMAN,
Secretary of State of the State of Mississippi;
and JIM HOOD, Attorney General of the
State of Mississippi, all in their official capacities
of their own offices and in their official capacities
as members of the State Board of Election Commissioners**

DEFENDANTS

**DEFENDANTS' SUPPLEMENTAL AUTHORITY MEMORANDUM
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

Defendants file this supplemental authority memorandum in support of their motion for summary judgment [doc. #19] ("Motion") as new and undisputed facts that go to the very crux of Defendants' laches argument, and that might otherwise escape the Court's attention, were only recently revealed through discovery.

As a reminder, the doctrine of laches applies "when plaintiffs (1) delay in asserting a right or claim; (2) the delay was not excusable; and (3) there was undue prejudice to the party against whom the claim was asserted." *Tucker v. Hosemann*, 2010 WL 4384223, at *4 (N.D. Miss. Oct. 28, 2010) (citing *Save Our Wetlands, Inc. v U.S. Army Corps of Engineers*, 549 F. 2d 1021, 1026 (5th Cir. 1977)). Defendants' Motion and accompanying memorandum [doc. #20] lay out in detail the facts and legal authorities supporting each prong of the laches defense. However, additional information concerning the second laches prong—that the delay was not excusable—

has only recently come to light. Because this new information bears greatly in support of Defendants' laches argument, it is necessary to bring to the Court's attention.

On January 16, 2019, after oral argument on the Motion, Plaintiff Joseph Thomas ("Thomas") was deposed by counsel for Defendants. During the deposition, Thomas repeatedly admitted that in 2012, as a long-standing participant in the electoral and political process in the Mississippi Delta,¹ he was aware of the drafting and implementation of the 2012 Mississippi Senate Reapportionment Plan ("Plan"), which included those lines of Senate District 22 ("District 22), that he now challenges. Specifically, the following exchange occurred between Defendants' counsel and Thomas:

Q. In your own words, can you describe for me the claims that you and the other plaintiffs are making in this lawsuit?

A. We filed the lawsuit because we felt – I felt that and others likewise that we were in a situation that was unfair and unlawful.

Q. Can you elaborate on what that situation was and what about it made you feel that it was unfair and unlawful?

A. Well, I was in a district, District 21 that was a winnable district. You know, when you say one thing and do something else, but I was in a district that was a winnable district. When the state set up these districts, then it need [sic] to be done in a fair and lawful way.

Q. Okay. So --

A. And I was moved out of 21 into 22 and the numbers changed in 22, but the common interest, our bond did not change. It's a black district. *Should have been a minority district, a winnable minority district and that wasn't the case.*

Q. So let's establish the timeframe that we're talking about. When were you moved out of District 21 and into 22?

A. I was in 21 and they done the 2010 census. So probably when there was -- around 2012 when --

Q. Reapportionment was done?

A. Yeah. So I was moved out and put into 22. *And when I start looking at the numbers in 22, that's when I picked up that that wasn't really a black district, a minority district. I say a black, minority district. It wasn't even reasonable to have a district like that. And that's when I started to -- one of the things, you know, the district, you're looking at Washington, Bolivar, Humphreys, Sharkey, Yazoo and Madison was a sore spot.*

¹ Thomas served as state senator for Senate District 21 for one term from 2004 to 2008 until defeated in the primary in his bid for re-election. *See* Tr. of Depo. of Joseph Thomas, pp. 20-21 (attached hereto as "Exhibit 1").

Tr. of Depo. of Joseph Thomas, pp.19-20 (attached hereto as "Exhibit 1") (emphasis added).

Not only was Thomas aware of the composition of District 22 in 2012, he actively engaged the United States Department of Justice ("DOJ") during that period to not preclear the Plan:

Q. Okay. Did you confer with anybody in the senate about your concerns over the district and the new configuration of the district from a racial standpoint?

A. I had, you know, as I got information, *I had been talking to people like Chris Herron, who is Chief of Civil Rights Division in Washington, DC.*

Q. At justice?

A. *Justice, yeah.* People like Rush Noble, you know, trying to get them to intervene. Because I think as far as the state, all of this was pretty much set. They had voted on this and all that. I didn't have any say so in that. I wasn't even there. But it had already been agreed upon and all that had been done. I was trying to keep the Justice Department from preclearing it or from approving that, which to no avail.

Q. Well, let me ask you this. Why were you trying to keep the Justice Department from preclearing it?

A. Because it wasn't a minority district.

Q. Okay.

A. And we didn't have enough minority districts in the first place based on our population of this state. It was just -- just wasn't fair.

Q. *Okay. So did you contact the Justice Department to complain of a violation?*

A. **Yes.**

Id. at pp. 21-22 (emphasis added).

After this exchange, Thomas was presented with a letter dated August 20, 2012, that he signed and submitted to Chris Herron at DOJ. *Id.* at p. 22. In this letter, which was marked as Exhibit 2 to the transcript, Thomas wrote the following:

08/20/2012

Mr. Chris Herron
Chief, Voting-Civil Rights Division
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenues, N W
Washington, D C 20530

Dear Mr. Herron,

This letter is a request for the Department of Justice to look hard at the Mississippi Senate Redistricting plan. This plan has violated section 5 and 2 of the Voting Right Bill. Please take a look at District 21, 22, 34, City of Yazoo MS, and the overall plan that reduce blacks voting strength.

Fact:

Mississippi has over 37% black population with a large percentage being in the Mississippi Delta. District 21 was moved out of Yazoo City which was the beginning of the Mississippi Delta. Yazoo City was in District 21 which had a 66.02%- 18+BLK. Now the new State Plan reduces Yazoo City to a 50.77, which will not allow us to elect a black. District 22 is 50.77% black. This district consists of all black towns and cities in the Mississippi Delta. This includes Hollandale, Belzoni, Louise, Isola, Rolling folk, Yazoo City and many other smaller towns. Most of these cities and towns are over 80 to 90% Black. Example- Yazoo City's population is around 11,000-85% black with a black Mayor and four out of five black Aldermen.

Mississippi's plan says District 22 is one of the 15 black senate Districts. They failed to tell that it is a Federal Prison in Yazoo City with a population way over 2000 inmates. These inmates cannot vote and will make this district fall below 50% black. The Senator in this District is white and lives in Hollandale a majority black city and no black has been able to win in this district. The reason is they all way go out of the community of common interest to fine white voters when they have enough black voters in these cities and towns. District 22 denies black voters by going over 80 miles from a white Senator's hometown, a rural community to an urban community in Madison County- (Gluckstadt MS) - nine miles from Jackson, Mississippi the State Capital. This area is an upscale white community, with no common interest to the very poor Mississippi Delta.

Finally, the State Plan clearly reduces over 17 impact districts with 30to 40% black population. These districts were doing well and had influences with numbers.

Once again please do not approve Mississippi's plan.

Sincerely,



Joseph C. Thomas

Id. at Exh. 2 to the Tr. (emphasis added). In discussing the letter and the Plan's alleged violation of the Voting Rights Act, the following discussion occurred between Defendants' counsel and Thomas:

Q. Will you explain to me who Mr. Herron is and why he's [sic] sending this letter?

A. Okay. He was the Chief Voting -- over the Voting Civil Rights Division for US Department of Justice.

Q. Okay. What made you send this letter to him?

A. He was over the division, so I wanted some help.

Q. Help to do what?

A. To -- not to get -- not to approve the State's plan. Not to approve the State's plan.

Q. On what basis did you believe it shouldn't be approved?

A. Because it wasn't a black winnable district. So why say it was a minority district?

Q. *Would it be fair to say that your concern was rooted in the fact that you didn't feel like it complied with the Voting Rights Act?*

A. Yes.

...

Q. And you were trying to -- strike that. What were you trying to communicate through these letters and phone calls to the Justice Department about Mississippi's senate plan?

A. It wasn't fair.

Q. *When you say it wasn't fair, are you trying to say that it was illegal under the Voting Rights Act?*

A. *I'm going to say that the Voting Right Act, in my imagination would not allow this type of shenanigans.*

Id. at pp. 23; 25 (emphasis added).²

Finally, Thomas readily admitted that he was not surprised he lost the 2015 election for state senator from District 22 because of the composition of the Plan, as submitted to DOJ in 2012:

Q. But is it fair to say that you're telling me you were not surprised by the result of the election in 2015, because that's what you expected would happen?

² Thomas also stated that other groups, like the Yazoo County chapter of the NAACP, also sent letters to DOJ in 2012 expressing his same concerns. *Id.* at pp. 26-28.

A. *Yeah, I think most people did.*

Q. Based on what?

A. Based on the plan that was submitted telling us that we had so many minority districts and presenting that [to] the Justice Department. And that wasn't the case.

Tr. at p.30 (emphasis added).

As required by the doctrine of laches, Plaintiffs have failed to even posit an excusable reason for their six-year delay in bringing the instant action. Not in their response in opposition to the Motion [doc. #23], not in the accompanying memorandum [doc. # 24], and not even at the oral argument on the Motion. But, as just laid bare, this is because there is no excusable reason—the lead Plaintiff, dating back to 2012, had actual knowledge of the Plan and openly contested it as violating Section 2 of the Voting Rights Act. *See Maxwell v. Foster*, 1999 WL 33507675 (W.D. La. Nov. 24, 1999). (“given the level of knowledge attributable to [plaintiffs], the delay *cannot be anything but inexcusable.*”). The other two plaintiffs, regardless of their actual knowledge, certainly should have known of the Plan in 2012 through reasonable diligence. *See White v. Daniel*, 909 F. 2d 99 (4th Cir. 1990) (finding the plaintiffs’ delay as inexcusable because the “plaintiffs, in the exercise of reasonable diligence, could have discovered at a much earlier time the facts upon which they now base their claim”).

All this and yet, here the parties are well over six years later, under an extremely compressed and challenging trial calendar and in the middle of current election deadlines, all of which could have been avoided had Plaintiffs not knowingly sat on their rights. This is the very reason the doctrine of laches exists. Plaintiffs’ six year delay is simply, inexcusable. This, in addition to Defendants’ full laches analysis in their Motion and accompanying memorandum only further strengthens Defendants’ equitable position.

WHEREFORE, premises considered, Defendants pray this Court enter an Order granting their Motion for Summary Judgment.

RESPECTFULLY SUBMITTED, this the 25th day of January, 2019.

Governor Phil Bryant, Secretary of State Delbert Hosemann, and Attorney General Jim Hood in their official capacities of their respective offices and in their official capacities as members of the State Board of Election Commissioners

BY: /s/ Tommie S. Cardin

TOMMIE S. CARDIN (MB # 5863)
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CERTIFICATE OF SERVICE

I, Tommie S. Cardin, hereby certify that on this day I caused the foregoing to be electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

SO CERTIFIED this, the 25th day of January, 2019.

/s/ Tommie S. Cardin
TOMMIE S. CARDIN

"EXHIBIT 1"

Joseph Thomas, et al. v. Phil Bryant, Governor of the State of MS, et al.

Joseph Thomas

January 16, 2019

All depositions & exhibits are available for downloading at

www.brookscourtreporting.com

Please call or e-mail depo@brookscourtreporting.com if you need a
Username and Password.



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PHIL BRYANT, Governor of the State of
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and JIM HOOD, Attorney General of the
State of Mississippi, all in their official
capacities of their own offices and in their
official capacities as members of
the State Board of
Election Commissioners

DEFENDANTS

DEPOSITION OF JOSEPH THOMAS

Taken at the instance of the Defendants at the
offices of Robert McDuff, 767 N. Congress Street,
Jackson, Mississippi on Wednesday, January 16, 2019,
beginning at 1:14 p.m.

REPORTED BY: LORI W. BUSICK
Brooks Court Reporting
12 Lakeland Circle, Suite A
Jackson, Mississippi 39216
(601)362-1995

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1 BENJAMIN E. GRIFFITH, ESQ. 2 Griffith Law Firm 3 2086 Old Taylor Road, Suite 1023 4 Oxford, Mississippi 38655 5 CONSULTANT FOR DEFENDANTS 6 ALSO PRESENT: EMILY W. KRUGER, ESQ. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 Joseph C. Thomas, 2 having been first duly sworn, was examined and 3 testified as follows: 4 5 MR. GRIFFIN: For the court reporter, I 6 will ask everyone, for the record, to identify 7 themselves. I'm Charles Griffin along with Tommie 8 Cardin representing the defendants. 9 MS. MIRACLE: Douglas Miracle from the 10 Attorney General's Office, also on behalf of 11 Attorney General, Jim Hood. 12 MS. KRUGER: Emily Kruger on behalf of 13 Governor, Phil Bryant. 14 MR. McDUFF: Rob McDuff representing the 15 plaintiffs. And on the telephone are Beth Orlansky, 16 who's cocounsel for the plaintiffs. Also, Jon 17 Greenbaum, Arusha Gordon and Pooja Chaudhuri. And I 18 can give you the spellings later. 19 MR. GRIFFITH: I'm Ben Griffith appearing 20 on behalf of the defendants as a consultant. 21 22 EXAMINATION BY MR. GRIFFIN: 23 Q. Would you identify yourself, for the 24 record, please? 25 A. My name is Joseph C. Thomas.

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<p>1 Q. And what's your address, Mr. Thomas? 2 A. My address is 820 Prentiss Avenue in Yazoo 3 City, Mississippi. 4 Q. And are you here pursuant to a Notice of 5 Deposition? 6 A. Yes. 7 Q. I want to ask that you look at this and 8 tell me if that's the Notice of Deposition that 9 you're here pursuant to? You can feel free to let 10 your counsel look at it. 11 A. Okay. 12 MR. GRIFFIN: I'd ask that that be marked 13 as Exhibit 1 to the deposition. 14 (Exhibit 1 marked for identification.) 15 BY MR. GRIFFIN: 16 Q. Mr. Thomas, please state your full name, 17 occupation, age and date of birth, for the record. 18 A. My full name is Joseph Charles Thomas, C 19 stands for Charles. I'm a retired banker of 30 20 years with Regions Bank. 21 Q. Which location? 22 A. Pretty much I was Yazoo, but I did work 23 statewide. 24 Q. And what was your title? 25 A. I was the vice president of the bank.</p>	<p>1 A. Did I have any trouble? It was -- at that 2 time it was some trouble, not necessarily I had 3 trouble but my people had trouble. 4 Q. All right. When you say your people, 5 African Americans? 6 A. African American. 7 Q. Do you recall how many elections you've 8 voted in since you registered to vote? 9 A. Just about all. I mean, I went to 10 college. I might have missed some when I was in 11 school but most all of them. 12 Q. Where did you go to college? 13 A. Jackson State. 14 Q. What organizations are you involved in 15 either political, civic, charitable, educational, 16 social or otherwise? 17 A. Actively involved, have been involved 18 with? 19 Q. Both? 20 A. Okay. 21 Q. As you define them, describe whether or 22 not you're still activity involved? 23 A. Okay. Well, I've been a community leader 24 all my life basically even in college. So when I -- 25 I decided to stay in Yazoo City back in 1970 -- in</p>
<p>1 Q. What's your current age? 2 A. Sixty-nine. 3 Q. Okay. And date of birth? 4 A. 6/25/49. 5 Q. How long have you lived in what is 6 currently Mississippi Senate District 22? 7 A. I lived in 21 and I was moved out of 21 8 into 22. 9 Q. When was that? 10 A. That was prior to 2015, after the 2012 11 census -- 2012 arrangement that was made. 12 Q. How long have you been a registered voter 13 in the state of Mississippi? 14 A. Since I was 18. 15 Q. Do you recall where you registered to 16 vote? 17 A. Yazoo County. 18 Q. Would you describe for me the process in 19 which you went through to register to vote? 20 A. At that time when I was 18 and I'm 69 now. 21 Basically -- 22 Q. As best you can recall? 23 A. I went to the courthouse and registered. 24 Yeah. 25 Q. Did you have any trouble --</p>	<p>1 the '70s. So I was blessed to get a job at a local 2 bank. And the name of that bank was Delta National 3 Bank in Yazoo City, which we had the largest bank in 4 Yazoo County. So you know that was right up my 5 alley in terms of reaching out to our community. 6 So I was a representative of the bank and 7 loan officer. Basically I was involved in a lot of 8 activities. You're trying to wait on me to name 9 some. Yazoo County Fair Civic League would be one, 10 and I'm still activity involved. And we had a 11 community center for the community and we reached 12 out and we built houses for the elderly and 13 handicapped. So we have 238 units of housing for 14 elderly and handicapped citizens. That would be one 15 organization. Yazoo County Fair and Civic League. 16 Yazoo County Chapter of NAACP. We had, 17 you know, just -- I wore a lot of hats. Our Utility 18 Public Service Commission, Public Service Commission 19 of Yazoo City. I served on the board. And I was 20 the first black to -- from this region to serve on 21 the National Board of Directors of APPA, American 22 Public Power Association. That's cities that own 23 their own water, lights -- utilities, public 24 utilities. I started out by serving -- to serve on 25 that board you had to serve on your local utilities.</p>

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<p>1 So I served on local utility. And then I was 2 elected to APPA National Advisory Board. I chaired 3 the National Advisory Board for APPA, which United 4 States and about 20 countries. Also, I was on the 5 National Board of Directors for American Public 6 Power Association. All of this is in the past now. 7 Q. Okay. 8 A. I was basically -- Boys and Girls Club. I 9 helped to organize our Boys and Girls Club in Yazoo 10 City. I worked with -- let me back up. I was -- on 11 the political side I worked with Robert Clark. When 12 Robert ran for congress the numbers were not there, 13 but I helped him. Mike Espy -- I done the FEC 14 filings to help Robert. I was Treasurer for Mike 15 Espy when he ran for congress. I done the FEC 16 filings for him while I was at the bank basically. 17 I worked with governor Bill Waller. I was his 18 co-treasurer last time he ran for governor in I 19 believe 1987. 20 So I've been involved politically behind 21 the scenes with individuals. 22 Q. Did you ever serve on a political action 23 committee or political executive committee? 24 A. I've served like community action. I was 25 on the board of Community Action Agency. Head</p>	<p>1 other thing. I served on -- I helped to put 2 together the Appraisal Board for our state when we 3 had the Savings and Loan fiasco. 4 Q. Right. 5 A. And they mandated every state had to set 6 up their own appraisal board that was in line with 7 federal government. So I helped to -- because I 8 wasn't a licensed appraiser to appraise real estate 9 or forestry. So I helped to set up that board on 10 loan from my bank, Deposit Guaranty made me 11 available to help. And we also invested funds to 12 help set that State Appraisal Board up. 13 Q. Now, at what point did you transition from 14 being an employee of Delta National to Deposit 15 Guaranty? 16 A. It was merger in 1981. We went through a 17 lot of mergers. 18 Q. Okay. 19 A. Same bank. 20 Q. Same bank? 21 A. Uh-huh (affirmative response). 22 Q. Were you a member of a fraternity during 23 this time period or a Masonic temple or anything 24 like that? 25 A. No. I've been a Mason, but no.</p>
<p style="text-align: center;">Page 11</p> <p>1 Start, I've worked with Head Start. 2 Q. That's Yazoo County? 3 A. Yeah. Many years, yeah. Public service, 4 I worked with the state -- when I was back with 5 Public Service Commission I also worked with various 6 organizations dealing with public utilities for 7 cities. 8 Q. You worked for the Public Service 9 Commission? 10 A. Not the state. 11 Q. Okay. 12 A. When I say cities that had their on trade 13 association dealing with public utilities. For 14 instance, we're a generating city in Yazoo and we 15 had three sister cities, Clarksdale -- Greenwood and 16 Clarksdale. But in our trade association we had 17 like seven cities that were part of our group. And 18 we called that MEA, Mississippi Energy Association. 19 Q. I got you. 20 A. And so, we dealt mainly in transmission of 21 utility of electric. Some cities had water and some 22 had lights and some had gas. Canton is one our 23 cities. 24 But 45 years that's all I've done is 25 worked in community, not just our community -- one</p>	<p style="text-align: center;">Page 13</p> <p>1 Q. Where were you a Mason and when? 2 A. Yazoo City Lodge No. 216 back in the '70s. 3 Q. So you're no longer active? 4 A. No. 5 Q. Do you recall what, if anything, you had 6 to do with the D.W. Wilburn Scholarship Foundation? 7 A. I'm one of the founders of the D.W. 8 Wilburn Foundation. James Robinson was our 9 President and I was Vice President of the D.W. 10 Wilburn Foundation. 11 Q. What does that foundation do? What's the 12 charter? 13 A. We give scholarships and book awards, 14 church awards to anybody that lives in Yazoo County, 15 Mississippi. 16 Q. Who was D.W. Wilburn? 17 A. He was a retired educator, long-time 18 retired. He was dean of students at Jackson State 19 and he was -- he really retired from Alcorn State 20 under Dr. Walter Washington's tenure. He was 21 long-time register at Alcorn State. He was from 22 Yazoo County, too. 23 Q. Did you know him before the bank? 24 A. Yes. I knew him and he -- like I said, we 25 set up -- James Robinson set up the foundation, but</p>

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<p>1 we had -- Dr. Walter Washington was one of the 2 founders, former President of Alcorn State. And we 3 had Dr. Walter Reed former Athletic Director at 4 Jackson State. We had several others that were on 5 that on our board. All of them are pretty much 6 deceased except maybe two now.</p> <p>7 Q. Are you still active with it?</p> <p>8 A. Yeah, I'm the Vice President. James 9 Robinson passed last year. He lived in 10 Indianapolis, Indiana. He passed, so we don't have 11 a President at this time.</p> <p>12 Q. Okay.</p> <p>13 A. But I was the Vice President. And we made 14 available -- had a few scholarships to individuals, 15 we had two-folds. On the Alcorn side, we give a 16 \$5,000 scholarship to any student that want to 17 attend Alcorn each year. And then we give book 18 awards and smaller scholarships to students that 19 want to attend Jackson State or Alcorn.</p> <p>20 Q. Would that be any student from Yazoo 21 County?</p> <p>22 A. From Yazoo County, yeah. That was the 23 stipulation. Mr. Wilburn -- well, Mr. Wilburn set 24 that up the way he -- in terms of the \$5,000 25 scholarship, you had to be from Yazoo County.</p>	<p>1 Foundation, we raise money basically. The former 2 governor Haley Barbour, he on the foundation. 3 Leland Speed. We've had -- I'm just naming some 4 people. We had a group and basically what we did -- 5 the last fund I worked on before I went into the 6 senate was -- we had a \$50 million capital fund. We 7 was trying to raise \$50 million for the school, for 8 the University.</p> <p>9 Q. Did you all achieve that goal?</p> <p>10 A. Yes, sir, as far as I know. I left -- we 11 was pretty close when I left.</p> <p>12 Q. Do you recall what year you left?</p> <p>13 A. 2004 probably. Ronald, Dr. Ronald Mason 14 was the President at that time. I left when I ran 15 for the senate. And when I got elected in District 16 21 I left. Also the utility, I got off the board of 17 the utility also. I wanted to spend all of my time 18 or most of my time on serving my --</p> <p>19 Q. Constituents?</p> <p>20 A. That's right.</p> <p>21 Q. I believe you also were a member of the 22 Yazoo County Fair?</p> <p>23 A. I mentioned that. The housing for the 24 elderly and handicapped.</p> <p>25 Q. That's not the same a commission that</p>
<p>1 And Mr. Wilburn, he donated \$100,000 to 2 Alcorn State and Tom Joiner (sic) Foundation matched 3 that with \$100,000. And they've gave \$200,000 that 4 Alcorn State holds the funds we just designate who 5 get --</p> <p>6 Q. Interest?</p> <p>7 A. No, who get the scholarships.</p> <p>8 Q. Okay.</p> <p>9 A. And I don't chair that. That's a 10 gentleman named Joe Smith, he chairs that in terms 11 of, he works with -- Mr. Wilburn was a trustee at 12 St. Stephen's United Methodist Church. And so the 13 pastor of that church and the principal of high 14 school and Joe Smith and Ms. Kathryn Grant, they 15 decide who gets that \$5,000 scholarship, not the 16 D.W. Wilburn Foundation.</p> <p>17 Q. Okay. Now, you also have a relationship 18 with the National Development Foundation?</p> <p>19 A. Jackson State University. And I'm a past 20 board member of the Jackson State National 21 Development Foundation.</p> <p>22 Q. Can you tell me what that is?</p> <p>23 A. We're talking about Jackson State, right?</p> <p>24 Q. Yes.</p> <p>25 A. Okay. Jackson State Development</p>	<p>1 would have entertainment?</p> <p>2 A. No.</p> <p>3 Q. It's something else?</p> <p>4 A. We were the Yazoo -- T.J. Huddleston 5 Secretary Espy's grandfather was one of the founders 6 of the Yazoo County Fair Civic League. And we had 7 the first -- well, he had the first hospital for 8 blacks in the state. First -- we had a chain of 9 funeral homes and all of that.</p> <p>10 But anyway, he started the Fair and Civic 11 League, Yazoo County Fair and Civic -- and at that 12 time you could not -- they had the negro fair and 13 the white fair. And it was a fair, you know, county 14 fair. Candy and activities and animals and all that 15 stuff. And it evolved into a county fair where the 16 fair would come -- just like a county fair. They 17 had the white county fair and the black county...</p> <p>18 But later on we wanted to do more. So 19 what we did -- we needed a community center. So we 20 put together an application and got a grant from the 21 federal government to build a community center. And 22 we named the community center Dr. L.T. Miller, who 23 was the first medical director at the black hospital 24 under T.J. Huddleston, director. So that's where 25 the Fair and Civil League -- and then later on we</p>

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<p>1 did the housing for elderly and handicapped. We 2 have a unit here in Jackson that's -- the 3 organization. I'm not on the board anymore. I got 4 off the board. I'm still a member.</p> <p>5 Q. When did you get off the board? 6 A. When I went into the senate. 7 Q. Okay. 8 A. I had so much, I had to get -- 9 Q. You had to get off? 10 A. Yeah. I had a lot of stuff going on. 11 So... 12 Q. But you're still a member? 13 A. Still a member. 14 Q. Okay. 15 A. Be we got a lot of members now. 16 Q. What does your membership entail? 17 A. For the Fair and Civic League. 18 Q. Yes. 19 A. It's -- basically anybody can be a member 20 of the Yazoo County -- we were the Negro Fair 21 Association and we had to drop the name negro to get 22 the funds from the federal government to build a 23 community center. So instead of negro, we said 24 Yazoo County. Same folks. 25 (Laughter.)</p>	<p>1 Q. So let's establish the timeframe that 2 we're talking about. When were you moved out of 3 District 21 and into 22? 4 A. I was in 21 and they done the 2010 census. 5 So probably when there was -- around 2012 when -- 6 Q. Reapportionment was done? 7 A. Yeah. So I was moved out and put into 22. 8 And when I start looking at the numbers in 22, 9 that's when I picked up that that wasn't really a 10 black district, a minority district. I say a black, 11 minority district. It wasn't even reasonable to 12 have a district like that. And that's when I 13 started to -- one of the things, you know, the 14 district, you're looking at Washington, Bolivar, 15 Humphreys, Sharkey, Yazoo and Madison was a sore 16 spot. 17 Q. When you were in 21, did you have any role 18 with redistricting? 19 A. No. 20 Q. Which committees were you on? 21 A. This happened after I was out of the 22 senate, that part. 23 Q. Okay. 24 A. I still can tell you the committees I was 25 on, but...</p>
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<p>1 Q. Now, as you know we're here about a 2 lawsuit that you filed a long with Vernon Ayers and 3 Melvin Lawson, correct? 4 A. Yes, sir. 5 Q. In your own words, can you describe for me 6 the claims that you and the other plaintiffs are 7 making in this lawsuit? 8 A. We filed the lawsuit because we felt -- I 9 felt that and others likewise that we were in a 10 situation that was unfair and unlawful. 11 Q. Can you elaborate on what that situation 12 was and what about it made you feel that it was 13 unfair and unlawful? 14 A. Well, I was in a district, District 21 15 that was a winnable district. You know, when you 16 say one thing and do something else, but I was in a 17 district that was a winnable district. When the 18 state set up these districts, then it need to be 19 done in a fair and lawful way. 20 Q. Okay. So -- 21 A. And I was moved out of 21 into 22 and the 22 numbers changed in 22, but the common interest, our 23 bond did not change. It's a black district. Should 24 have been a minority district, a winnable minority 25 district and that wasn't the case.</p>	<p>1 Q. Did you leave the senate before the 2 district changed? 3 A. I did. I didn't leave, I lost. 4 Q. Okay. Let's walk up to that election. 5 A. Okay. 6 Q. The election that you lost was in what 7 year? 8 A. 2008 -- 2007. 9 Q. And the demographics in your district at 10 that time, was that District 21? 11 A. 21, that's right. 12 Q. The demographics changed when, for that 13 district? 14 A. After the 2008 election. After the 2010 15 census, which we're looking at what, 2012 or so. 16 Q. Okay. Did you confer with anybody in the 17 senate about your concerns over the district and the 18 new configuration of the district from a racial 19 standpoint? 20 A. I had, you know, as I got information, I 21 had been talking to people like Chris Herron, who is 22 Chief of Civil Rights Division in Washington, DC. 23 Q. At justice? 24 A. Justice, yeah. People like Rush Noble, 25 you know, trying to get them to intervene. Because</p>

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<p>1 I think as far as the state, all of this was pretty 2 much set. They had voted on this and all that. I 3 didn't have any say so in that. I wasn't even 4 there. But it had already been agreed upon and all 5 that had been done. I was trying to keep the 6 Justice Department from preclearing it or from 7 approving that, which to no avail.</p> <p>8 Q. Well, let me ask you this. Why were you 9 trying to keep the Justice Department from 10 preclearing it?</p> <p>11 A. Because it wasn't a minority district.</p> <p>12 Q. Okay.</p> <p>13 A. And we didn't have enough minority 14 districts in the first place based on our population 15 of this state. It was just -- just wasn't fair.</p> <p>16 Q. Okay. So did you contact the Justice 17 Department to complain of a violation?</p> <p>18 A. Yes.</p> <p>19 Q. I believe your lawyer gave us a couple of 20 documents I want you to look at. One document is 21 dated August 20, 2012. That's the Chris Herron?</p> <p>22 A. That's right. I had talked with him and 23 basically --</p> <p>24 MR. McDUFF: He hasn't asked you a 25 question.</p>	<p>1 Department of Justice. Is that your signature on 2 that document?</p> <p>3 A. It is.</p> <p>4 Q. Will you explain this letter to me and why 5 you sent it?</p> <p>6 A. This particular letter was sent probably 7 when -- I'm trying to see which one I sent first. I 8 sent several -- more than I have, but I don't have 9 them with me. But we were trying to let them 10 know -- I was trying to let them know -- for 11 instance, I said, this letter is a request to the 12 Department of Justice to take a hard look 13 Mississippi's plan. So we wanted them to look at. 14 And I was thinking that they had the lawyers and 15 they had all of the expertise, that they would 16 really look at it and give us some relief.</p> <p>17 Q. And would this have been before you sent 18 the letter on August 20, 2012 or --</p> <p>19 A. I think this one was before.</p> <p>20 Q. You testified that you sent more letters 21 than these two, you just don't have access to all of 22 them right now?</p> <p>23 A. Letters and telephone calls. And I think 24 it was other individuals that were communicating 25 with the Department of Justice about this -- about</p>
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<p>1 THE WITNESS: Okay.</p> <p>2 BY MR. GRIFFIN:</p> <p>3 Q. Will you explain to me who Mr. Herron is 4 and why he's sending this letter?</p> <p>5 A. Okay. He was the Chief Voting -- over the 6 Voting Civil Rights Division for US Department of 7 Justice.</p> <p>8 Q. Okay. What made you send this letter to 9 him?</p> <p>10 A. He was over the division, so I wanted some 11 help.</p> <p>12 Q. Help to do what?</p> <p>13 A. To -- not to get -- not to approve the 14 State's plan. Not to approve the State's plan.</p> <p>15 Q. On what basis did you believe it shouldn't 16 be approved?</p> <p>17 A. Because it wasn't a black winnable 18 district. So why say it was a minority district?</p> <p>19 Q. Would it be fair to say that your concern 20 was rooted in the fact that you didn't feel like it 21 complied with the Voting Rights Act?</p> <p>22 A. Yes.</p> <p>23 Q. Let's flip over to a second letter that's 24 attached to this, stapled to this. It's addressed 25 to the Chief Voting Section, Civil Rights Division,</p>	<p>1 the -- not just this district, it was some other 2 districts, too.</p> <p>3 Q. And you were trying to -- strike that.</p> <p>4 What were you trying to communicate 5 through these letters and phonecalls to the Justice 6 Department about Mississippi's senate plan?</p> <p>7 A. It wasn't fair.</p> <p>8 Q. When you say it wasn't fair, are you 9 trying to say that it was illegal under the Voting 10 Rights Act?</p> <p>11 A. I'm going to say that the Voting Right 12 Act, in my imagination would not allow this type of 13 shenanigans.</p> <p>14 MR. GRIFFIN: Okay. I'd like to mark this 15 as an exhibit.</p> <p>16 MR. McDUFF: Off the record. 17 (Exhibit 2 marked for identification.) 18 (Exhibit 3 marked for identification.)</p> <p>19 BY MR. GRIFFIN:</p> <p>20 Q. We went off the record to allow you an 21 opportunity to have a closer look at the documents 22 that have been marked. We separated the two 23 documents and made them two separate exhibits, two 24 and three.</p> <p>25 And after having reviewed them, do you</p>

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<p>1 have some testimony that you want to clarify about 2 those two documents?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Go ahead.</p> <p>5 A. Okay. The letter that I'd indicated that 6 was sent prior to the August 20 letter 2012.</p> <p>7 Q. That's Exhibit 3?</p> <p>8 A. Exhibit 3. This letter was a composite 9 plan. I think this plan was one -- a plan that was 10 kicked around. It had not been adopted or passed by 11 the legislature to be precleared.</p> <p>12 Q. Okay.</p> <p>13 A. I think this was -- and this letter was 14 sent ahead of time trying to get the Justice 15 Department to really look at whatever might come up 16 the pipe, whatever might come from the legislature.</p> <p>17 Q. Okay. Now, at this point, you were 18 actively communicating with lawyers from the Justice 19 Department?</p> <p>20 A. Yes. Well, lawyers, yeah.</p> <p>21 Q. And did you have any other counsel that 22 you were represented by at that time?</p> <p>23 A. No.</p> <p>24 Q. And were the other individuals similarly 25 situated as you who wanted to run for office that</p>	<p>1 NAACP.</p> <p>2 Q. Who was that?</p> <p>3 A. His name was Robert Gunn.</p> <p>4 Q. Robert Gunn?</p> <p>5 A. Yes.</p> <p>6 Q. Is he still living in --</p> <p>7 A. He's still living in Yazoo.</p> <p>8 Q. Where does he work?</p> <p>9 A. He's retired. I don't know whether he's 10 actively working.</p> <p>11 Q. Is there anyone else?</p> <p>12 A. He was the one that signed the letter that 13 was sent to the Justice Department.</p> <p>14 Q. Okay. On behalf of the NAACP?</p> <p>15 A. The Yazoo County chapter NAACP.</p> <p>16 Q. I asked you earlier about the claims that 17 you and the others are making in the lawsuit. And I 18 believe you testified that you referred to the 19 actions of the legislature or the state as being 20 shenanigans. We need to kind of clarify what you 21 mean in terms of were you trying to say that you 22 thought that the plan as written violated the Voting 23 Rights Act?</p> <p>24 A. Yeah. You know, needs to be some common 25 bond or common, you know -- it need to -- in terms</p>
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<p>1 you were conferring with about the senate plan in 2 2012?</p> <p>3 A. I don't know of any other individuals.</p> <p>4 But we had groups and organizations, like NAACP that 5 was concerned about the districts and how the 6 districts are set up. Not enough districts for 7 minorities. And then not winnable districts for 8 minorities.</p> <p>9 Q. So is it your testimony that they had the 10 same concerns that you had?</p> <p>11 A. Same concerns, yes.</p> <p>12 Q. And do you know if any of them decided to 13 file suit?</p> <p>14 A. Not file suit, but they've had some 15 communication, letters -- letters that was written.</p> <p>16 Q. From whom to whom?</p> <p>17 A. From same, Justice Department.</p> <p>18 Q. From whom?</p> <p>19 A. NAACP. Like Yazoo County chapter of 20 NAACP.</p> <p>21 Q. Do you know which individuals within the 22 NAACP may have sent those letters?</p> <p>23 A. Yes.</p> <p>24 Q. Who?</p> <p>25 A. President of the Yazoo County chapter of</p>	<p>1 of people being elected -- areas. And my conception 2 of the Mississippi Delta, the counties that are in 3 the delta. When I first saw that -- for instance, I 4 ran in 22 and I done real well. And I won in the 5 minority, the counties, Washington, Bolivar, 6 Humphreys. But they jumped over to Madison and 7 that's where the white voter block came into play. 8 Everybody -- the whites in Madison voted for, you 9 know, the Chairman of the Appropriations Committee 10 that I was running against. And that was an uphill 11 climb, too. And it was a -- and when I was running 12 against the Chairman of the Appropriations 13 Committee, Republican, then that was -- a lot of 14 things happened in that race.</p> <p>15 Q. That was in 2012?</p> <p>16 A. 2015.</p> <p>17 Q. 2015?</p> <p>18 A. Yeah. A lot of things -- how can you win 19 in all the counties except one and then lose? I 20 knew that was going to happen. That's why I wrote 21 the letter prior to this. And that's why other 22 organizations, other groups and individuals were 23 concerned because of running the district a hundred 24 and something miles, a hundred miles from -- to pick 25 up a group of white voters over in Gluckstat in</p>

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<p>1 Madison County, Gluckstat area. 2 Q. So is it your testimony -- 3 A. And those are upper income people. 4 They're not low -- very low income people. 5 Q. So is it -- 6 A. So you're mixing -- it's a situation now 7 where -- well, anyway, I don't want to get on a 8 soapbox. Go ahead. I'm sorry. 9 Q. No. Feel free to answer the question to 10 the extent you feel like you need to. 11 But is it fair to say that you're telling 12 me you were not surprised by the result of the 13 election in 2015, because that's what you expected 14 would happen? 15 A. Yeah, I think most people did. 16 Q. Based on what? 17 A. Based on the plan that was submitted 18 telling us that we had so many minority districts 19 and presenting that the Justice Department. And 20 that wasn't the case. 21 Q. So there wasn't -- 22 A. So we lost out all around. Because 23 percentage wise, voters over 18, you're saying that 24 you can win in 15 districts and that wasn't the 25 case, hadn't happened and won't happen under the</p>	<p>1 particular elections? 2 A. Going back to the first time that district 3 was -- well, 2007 -- I'm sorry, 2003, 2007 and 2012, 4 I think, and '15. 5 So if you're holding a seat and you can't 6 win the black vote in the counties that you're 7 representing... 8 Q. So you were aware of all of this and you 9 had developed an opinion about what it would mean in 10 terms of your being electable at the time the 11 Mississippi legislature approved the reapportionment 12 plan in 2012? 13 A. Yeah. When I ran in 22, we had -- I 14 honestly thought in my mind in -- when I ran for -- 15 in 22, I knew it would be hard to win in 22 because 16 of the numbers. But we had worked hard. I mean, in 17 terms of working with -- not just the minority 18 community, we worked with the community as a whole 19 when I was in the senate. We brought millions of 20 dollars into our counties like Madison and Yazoo. 21 And we done a lot of constituent service. My wife 22 is a licensed social worker and I wasn't getting 23 compensated but I was a full-time senator. And we 24 helped a lot of people, especially elderly and 25 handicapped and so on. But I thought -- and</p>
<p>1 plan that we got. It will never happen. 2 Q. We're going to move on. 3 Can you describe your experience with 4 elections held in Senate District 22, including 5 those at the state, local and county levels? Let me 6 break it down for you. 7 A. Okay. 8 Q. Do you participate as a voter, candidate, 9 campaign supporter or any other role or in all those 10 roles? Just kind of tell me what your role -- 11 A. Well, in District 22 -- I was in 21. 12 District 22, when I got put in 22 -- but prior to 13 that I had been helping minority candidates run for 14 the same office for senate. And there were some 15 good candidates. They ran good races, but -- and 16 minorities voted for them. They got the black vote 17 but they never could -- they never did win. Marla 18 Brooks, Jeruba (sic) Hill are some of them. Jeruba 19 (sic) was an attorney and she could not win in that 20 district. After the blacks delivered their votes, 21 they voted for her and she still could not win. 22 You got -- you got a gentleman that lives 23 in Hollandale, Mississippi that held that seat and 24 he couldn't even win his own county. 25 Q. Do you recall the years of those</p>	<p>1 education, I served on the Education Committee also. 2 So I honestly, in my mind, thought I would 3 have done better than I did and still ended up 4 losing. So I thought -- the reason I ran because I 5 thought I was going to win. In Madison County we 6 had just done -- I'm not campaigning now -- but I 7 had just did a state of the art nursing home for 8 developmental adults, bed patient adults. Had 9 lifted a Certificate of Need and got them a CON to 10 build a nursing home there. 11 So in that area, I thought I would have 12 done better than I did. And we really worked with 13 the black community and the white community. But 14 when it came down to voting that wasn't the case. 15 Q. When you mean that wasn't the case, can 16 you elaborate on that? 17 A. Well, the whites voted for whites. 18 Q. Are you saying that the white people, 19 including the groups that you helped did not vote 20 for you? 21 A. Whites voted for the whites. 22 Q. And have you done -- what have you done to 23 justify that conclusion? 24 A. Well, you know, like I said, 25 schoolteachers justified -- when I say whites, I had</p>
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<p>1 some white votes now, don't get me wrong, but I 2 didn't have enough to win. So I'm not saying all 3 the whites didn't vote for me, but I didn't get the 4 numbers. I campaigned, too. I had a strong 5 campaign committee, strong activity, associations 6 like MAE and groups like that and Parents for Better 7 Education, but it just didn't happen.</p> <p>8 Q. Did --</p> <p>9 A. But I shouldn't have had to work that hard 10 if it was a minority district, as hard as I did. If 11 you're telling me my district is a minority 12 district.</p> <p>13 Q. Who told you that your district was a 14 minority district?</p> <p>15 A. The state. The state told the federal 16 government that.</p> <p>17 Q. And what document are you referring to --</p> <p>18 A. The plan that they submitted.</p> <p>19 Q. So you were aware of the issues contained 20 in the plan before the election?</p> <p>21 A. Yes.</p> <p>22 Q. What do you think qualifies an individual 23 to be a successful candidate in the Mississippi 24 Delta?</p> <p>25 A. Wanting to serve the people. Want to</p>	<p>1 BY MR. GRIFFIN:</p> <p>2 Q. You can answer?</p> <p>3 A. You know, if you look at the district now, 4 we have -- the senate district that we're referring 5 to, we have a white now that's in a all black 6 district in terms of the delta, what we perceive as 7 the delta. Madison County is not in the delta.</p> <p>8 So we have a white there now. All we're 9 saying is, it shouldn't be a white all the time. A 10 white need to get defeated, too. So it need to be a 11 fair district. We don't -- it would make me no 12 difference whether it's a white, black or green, but 13 it needs to be fair. So whites don't need to win in 14 that district every time they have an election.</p> <p>15 So to answer your question, we got a white 16 there now. So no, it doesn't need to be black all 17 the time. And it don't need to be white all the 18 time.</p> <p>19 Q. From 2010 to 2018, did you ever study 20 precinct level election returns of a state, county 21 or local election held within the bounds of Senate 22 District 22?</p> <p>23 A. Yeah, I've looked at composites and all 24 that stuff and demographics -- you know, returns.</p> <p>25 Q. Do you recall what specific returns you</p>
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<p>1 help, want to make a difference.</p> <p>2 Q. Can you describe --</p> <p>3 A. And that goes back to that common bond, 4 that common interest I was telling you about.</p> <p>5 Q. Yeah. Can you describe for me what 6 specific qualities you think a candidate might have 7 in order to be successful in the Mississippi Delta?</p> <p>8 A. Care about people and be involved in the 9 community and serve the whole community. You know, 10 we're neighborhood people. We're community people. 11 Not just about coming down here and serving in the 12 legislature three months out of the year.</p> <p>13 Q. Do you believe that in the Mississippi 14 Delta the race of a candidate will always determine 15 whether or not the candidate will be successful?</p> <p>16 A. The race of a candidate will always be 17 successful?</p> <p>18 MR. McDUFF: Object to the form.</p> <p>19 BY MR. GRIFFIN:</p> <p>20 Q. Let me rephrase that for you.</p> <p>21 Do you believe that in the Mississippi 22 Delta the race of a candidate will always be 23 determinative of whether or not the candidate will 24 be successful?</p> <p>25 MR. McDUFF: Object to the form.</p>	<p>1 locked at and for what elections?</p> <p>2 A. The 2015 just say -- for 22 2015.</p> <p>3 Q. Just 22?</p> <p>4 A. Yeah. I've looked at others, but 22 was 5 the one I was interested in.</p> <p>6 Q. From 2010 to 2018, did you ever study 7 voter registration data for the areas within the 8 bounds of Senate District 22?</p> <p>9 A. Voter registration? What document are you 10 referring to.</p> <p>11 Q. The actual voter registration information 12 that would have been kept in the clerk's office?</p> <p>13 A. Like the voter roll?</p> <p>14 Q. Yes.</p> <p>15 A. When you say study, I've looked at the 16 voter roll. You're saying study?</p> <p>17 Q. In connection with preparation for a 18 campaign?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall which specific information 21 you looked at when you were preparing for a campaign 22 or for your campaign?</p> <p>23 A. Yeah. Basic information, you know, where 24 you voters are, where they live at. And you look 25 at -- you just try to glean from that document some</p>

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<p>1 information that will help you be successful. 2 Q. Would this be in the clerk's office? 3 A. The Circuit Clerk's Office, yes. And, you 4 know, you get information from other sources, too. 5 Q. From 2010 to 2018, did you ever study any 6 election turnout data for state, county or local 7 elections held within the bounds of Senate District 8 22? And if so, what specific turnout data did you 9 review and where did you get it from? And keep in 10 mind I'm now talking about 2012 -- the last few 11 questions I've been talking about -- I'm sorry, 2010 12 to 2018? 13 A. I've seen some data in terms of my race 14 and during the time I ran, you know, other -- you 15 know, the governor, lieutenant governor, secretary 16 of state, transportation, I looked at all of that 17 information. I was trying to see in areas why 18 didn't I do as well. And I had worked -- because of 19 the work I had done and involvement and investment 20 in the community. I looked and I didn't do as well 21 as some of my -- you know, some of the whites that 22 ran in the same areas that I did. And the only 23 thing I could see was that I was a minority and I 24 just didn't get the vote. I'm not talking about 25 minority voters. I got the minority voters.</p>	<p>1 just -- whites voted for the whites. And not 2 necessarily a better candidate. I'm not saying -- 3 but I thought he ran a good campaign. 4 Q. Did you review the results of his 5 campaign -- strike that. 6 Did you review the returns from his 7 campaign and compare those returns to the African 8 American turnout in Senate District 22? 9 A. No, I didn't. 10 Q. Have you ever been involved in any of 11 Bennie Thompson's campaigns for House of 12 Representatives? 13 A. Yes. 14 Q. How were you involved? 15 A. Manage like Yazoo County -- I did not do 16 the last couple, but I have been coordinator for 17 Yazoo County. 18 Q. What was your impression of his campaign? 19 A. Impression? 20 Q. In terms of, was he able to generate 21 meaningful white support as well as meaningful black 22 support, minority support? 23 A. No. 24 Q. Can you further elaborate on that? 25 A. Well, just take Yazoo County, for</p>
<p>1 Q. Was there any other reason that you could 2 possibly attribute to getting a smaller amount of 3 the vote other than race? 4 A. Smaller amount of the -- 5 Q. The turnout? 6 A. No. Well, yeah, I do have -- I'm 7 thinking. We had a problem getting minorities to go 8 vote. They don't go and vote as they should. And 9 they don't vote in high of numbers as they should 10 and that's a problem. 11 Q. Were you involved in Mike Espy's recent 12 campaign for US Senate? 13 A. No. 14 Q. What was your -- 15 A. Now, you say involved. I was -- what you 16 mean involved? 17 Q. Having an active role in the campaign in 18 some official role? 19 A. No, I didn't have an official role. I did 20 attend some activities and helped. 21 Q. What was your impression of his campaign? 22 A. Well, I thought he was a good candidate 23 and I thought the results would have been different, 24 but that wasn't the case. It goes back to what I 25 said earlier. I wish I could sugar coat it, but it</p>	<p>1 instance. For a long time Congressman Thompson 2 could not carry Yazoo County because of the numbers. 3 We had a majority white -- now it's a majority 4 black, but in the past it has not been the case. It 5 was a majority white county. And he just got, 6 recently over the last ten years been able to carry 7 Yazoo County, over the last seven or eight years. 8 Q. So has the population changed from more 9 blacks to whites? 10 A. More blacks to white. 11 Q. So is it your testimony that the reason he 12 has been able to carry the county is because the 13 population changed and more blacks were able to vote 14 for him than in the past? 15 A. Yeah, more blacks will actually go and 16 vote. Go and vote, getting blacks out. 17 Q. In terms of issues, mobilization efforts, 18 staffing, financial support, networking and 19 endorsements, how do the Espy and Thompson campaigns 20 compare to more local races in Senate District 22 21 including those at the county and municipal level? 22 A. In terms of financing? 23 Q. Yes. 24 A. Okay. 25 MR. McDUFF: Object to the form.</p>

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<p>1 BY MR. GRIFFIN</p> <p>2 Q. You can answer.</p> <p>3 A. Well, I can speak for 22. When I ran in</p> <p>4 21, it wasn't against the chairman of the Senate</p> <p>5 Appropriations Committee and it wasn't a white. I</p> <p>6 got funds in terms of contributions, special</p> <p>7 interest groups and businesses and industries. But</p> <p>8 in 2015, the monies was shut. There was no money to</p> <p>9 democratic candidates, no money to my campaign. I</p> <p>10 need to ask a question, but I'm not going to ask</p> <p>11 you.</p> <p>12 Q. So it's -- is it your testimony that in</p> <p>13 the 2015 campaign people who -- or entities that had</p> <p>14 traditionally supported you, had contributed to your</p> <p>15 campaign refused to contribute and support your</p> <p>16 campaign?</p> <p>17 A. Yes. Or they couldn't. I don't know what</p> <p>18 their reasons -- and it wasn't just my campaign. I</p> <p>19 think democrats -- you know, I don't know the</p> <p>20 reason. I don't know why, but we couldn't get the</p> <p>21 monies we needed to run our campaign.</p> <p>22 Q. Do you know if the same -- strike that.</p> <p>23 Do you know if the white candidates suffer</p> <p>24 from the same cash --</p> <p>25 A. They was getting the money. They got the</p>	<p>1 A. Some candidates and some organizations</p> <p>2 that make -- for instance, I had -- did have groups</p> <p>3 like Mississippi Association of Educators, and</p> <p>4 groups, I did have some contributions. I didn't</p> <p>5 mean that. But traditionally the ones that I used</p> <p>6 to have, those were cut off. I don't know who cut</p> <p>7 them off or what happened. But we did not get any</p> <p>8 contributions from the groups we had gotten</p> <p>9 contributions from in 2007. And other democrats,</p> <p>10 I've been told, had the same situation.</p> <p>11 MR. McDUFF: Charles, can we take a short</p> <p>12 break?</p> <p>13 MR. GRIFFIN: Yeah.</p> <p>14 (Off the record.)</p> <p>15 BY MR. GRIFFIN:</p> <p>16 Q. Is it fair to say that Barack Obama was a</p> <p>17 minority candidate choice in the 2008 and 2012</p> <p>18 presidential elections?</p> <p>19 A. Yes.</p> <p>20 Q. Is it fair to say that he received a</p> <p>21 majority of the votes in the counties comprised of</p> <p>22 Senate District 22?</p> <p>23 A. Yes.</p> <p>24 Q. To the best of your knowledge, have any</p> <p>25 candidates of any race in Senate District 22 running</p>
<p style="text-align: center;">Page 43</p> <p>1 money, white Republicans.</p> <p>2 Q. Let me have you clear this up for me. Are</p> <p>3 you saying that the money was cut off to democrats?</p> <p>4 A. There you go.</p> <p>5 Q. And Republicans on the other hand, they</p> <p>6 were able to get funds, the fundraiser money?</p> <p>7 A. That's what I said.</p> <p>8 Q. Okay. Would you attribute that more to</p> <p>9 the rise of conservatism around the country and in</p> <p>10 Mississippi or would you attribute that to race?</p> <p>11 MR. McDUFF: Object to the form.</p> <p>12 BY MR. GRIFFIN:</p> <p>13 Q. You can answer.</p> <p>14 A. Well, my concern was to -- I had put</p> <p>15 myself out there to represent my people, to win.</p> <p>16 And quite naturally I wanted to get some necessary</p> <p>17 funds to -- I don't know how I would attribute that</p> <p>18 really. I wouldn't necessarily say. Some might</p> <p>19 have done better if they hadn't been intimidated or</p> <p>20 scared or they just maybe didn't feel free. I don't</p> <p>21 know what happened. The money -- somebody cut the</p> <p>22 monies off.</p> <p>23 Q. Are you referring to -- when you say some</p> <p>24 may have done better, are you referring to some</p> <p>25 candidates may have done better?</p>	<p style="text-align: center;">Page 45</p> <p>1 for either state, county or local office ever used</p> <p>2 racial appeals in their campaign?</p> <p>3 A. Racial appeals? Repeat that. I'm sorry.</p> <p>4 MR. GRIFFIN: Would the court reporter</p> <p>5 please read back the question?</p> <p>6 (Court reporter read portion of record.)</p> <p>7 A. Not to my knowledge.</p> <p>8 BY MR. GRIFFIN:</p> <p>9 Q. Has this happened in the last 15 years, to</p> <p>10 your knowledge?</p> <p>11 A. Not where they openly used race appeal?</p> <p>12 Q. Yes.</p> <p>13 A. No. No, I did not.</p> <p>14 Q. Did you witness anyone else?</p> <p>15 A. No.</p> <p>16 Q. Are there early voting mechanisms</p> <p>17 available for elections in the Mississippi Delta,</p> <p>18 such as early voting, polling locations and absentee</p> <p>19 ballots?</p> <p>20 A. Yes.</p> <p>21 Q. What affect does this have on the ability</p> <p>22 of African American voters to vote in elections in</p> <p>23 the delta and in Senate District 22 in particular?</p> <p>24 A. I think it enhances it.</p> <p>25 Q. Are you familiar with that absentee ballot</p>

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<p>1 process?</p> <p>2 A. Somewhat, yeah.</p> <p>3 Q. Can you describe it to the best of your</p> <p>4 knowledge?</p> <p>5 A. Where a voter that cannot vote requests a</p> <p>6 ballot -- requests a ballot and a ballot is mailed</p> <p>7 out or sent out to the voter to execute and then</p> <p>8 send back. On the absentee, yeah.</p> <p>9 Q. Is it all done at one process, where the</p> <p>10 ballot is requested over the phone, for example, and</p> <p>11 then the clerk sends it to them? Or is it in a</p> <p>12 bifurcated process, which requires a voter to send</p> <p>13 in an application for a ballot and then the clerk</p> <p>14 has to review the application and send the ballot?</p> <p>15 A. Generally it's a form that you fill out</p> <p>16 and request it and then you give it back to the</p> <p>17 clerk and the clerk mails out a ballot.</p> <p>18 Q. So it's a bifurcated process?</p> <p>19 A. Yes.</p> <p>20 Q. You mentioned several times during the</p> <p>21 course of the deposition the common interest and</p> <p>22 bond between you and other voters in District 21 and</p> <p>23 22. Will you describe what that common interest and</p> <p>24 bond was when you were Senator in District 21?</p> <p>25 MR. McDUFF: Object to the form.</p>	<p>1 having a common thread, common bond where people --</p> <p>2 you know, I had a vested interest in my district and</p> <p>3 my community that I wanted to see something happen,</p> <p>4 see some improvements. I wanted some dollars to</p> <p>5 come to my community. I didn't want to come down</p> <p>6 and vote for everybody else's community and didn't</p> <p>7 do anything for mine. So I was able to bring some</p> <p>8 stuff into my community because I was sitting at the</p> <p>9 table. I knew what my people wanted. When I say my</p> <p>10 people I mean the citizens, not blacks, citizens of</p> <p>11 Yazoo.</p> <p>12 Q. Constituents?</p> <p>13 A. Yeah, constituents.</p> <p>14 Q. Did that change when you ran in Senate</p> <p>15 District 22? Was there no longer a common interest</p> <p>16 and bond?</p> <p>17 A. It was a stretch, because we had areas</p> <p>18 like Gluckstat, Madison and just a different area</p> <p>19 from -- it's a big difference. I know you repeat</p> <p>20 the question about common bond, common interest.</p> <p>21 But if you are trying to -- you need to have</p> <p>22 something in common, something that everybody can</p> <p>23 buy into. And my areas like Rolling Fork had a bond</p> <p>24 because of the school systems and the community.</p> <p>25 The community is pretty close. Belzoni is close.</p>
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<p>1 A. Well, you know, I live in the hood. I</p> <p>2 live -- you know, my constituents was my neighbors,</p> <p>3 friends, church members, association members. We,</p> <p>4 you know -- when you go to the grocery store you see</p> <p>5 your constituents. It's a big difference between --</p> <p>6 and church work. I'm a deacon at my church and I</p> <p>7 see people. Go to different churches and you see</p> <p>8 your constituents, you're available. It's a big</p> <p>9 difference between somebody you -- we have people in</p> <p>10 our district who have never seen their senator.</p> <p>11 Senator never been to church, never been to</p> <p>12 organization meeting, never seen them in the grocery</p> <p>13 store. Just availability of being seen and being --</p> <p>14 you know, living in a neighborhood.</p> <p>15 You know, when I was the senator of</p> <p>16 District 21 we had other senators come into our</p> <p>17 county, but the people would call me because I was</p> <p>18 there. They would see me every day or they would</p> <p>19 call me because they had my telephone number.</p> <p>20 Q. And this was in 2007?</p> <p>21 A. 2004 to 2008, yeah.</p> <p>22 Q. Where did you live --</p> <p>23 A. In the same place.</p> <p>24 Q. Okay.</p> <p>25 A. Same place. So the common interest is</p>	<p>1 It was a little stretch up around Delta State area</p> <p>2 and Cleveland. But it was a bigger stretch over in</p> <p>3 Madison. But with the people -- first of all, I</p> <p>4 didn't know -- we didn't know the people.</p> <p>5 Q. Did you have a common interest and bond,</p> <p>6 for example, with the people in Bolivar County?</p> <p>7 A. People in Bolivar County, pretty much we</p> <p>8 had the same interest, same churches, same pastors,</p> <p>9 same associations, same, you know, likes and</p> <p>10 dislikes pretty much.</p> <p>11 Q. Was that -- did that remain the same from</p> <p>12 2007 to 2012, 2013?</p> <p>13 A. I was out in 2008. I mean, the community,</p> <p>14 the network pretty much is the same, football games,</p> <p>15 basketball games.</p> <p>16 Q. You still had that common interest and</p> <p>17 bond?</p> <p>18 A. Yeah. We had those compared to areas</p> <p>19 which that did not exist.</p> <p>20 Q. What about Washington County?</p> <p>21 A. Same thing. We're talking about very</p> <p>22 limited resources in all those counties. We have</p> <p>23 very poor people. And they have a particular need</p> <p>24 that we were able to address, you know.</p> <p>25 And I know in 21, we had people, you know,</p>

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<p>1 might be outside the scope of my job, but they had 2 situations that they needed to talk to somebody. It 3 could be about a social service issue or need that 4 they had that we had to stop and try to assist them. 5 It could be somebody that wanted a wheelchair or 6 needed a ramp. Or it could be somebody that funds 7 had been cut off or something, state agency or 8 federal something and we could get on the phone and 9 try to -- we knew where they was coming from. And 10 we knew that they needed those services to survive.</p> <p>11 And so, we would stop what we're doing and 12 try to assist them. Set up a intake file and try to 13 see could we connect them with somebody that could 14 help them. And these are constituent needs in areas 15 like especially Washington. Especially what I'm 16 talking about, Washington, Bolivar for the new 17 district. But the old district I had was Madison, 18 Holmes, Attala, which all had the same bond. 19 Pickens, Mississippi, Goodman, Mississippi, Camden. 20 Areas like Kosciusko coming back. We didn't have 21 Kosciusko, but several communities going in to 22 Kosciusko.</p> <p>23 But people that needed some assistance -- 24 let me -- I had a lady that was 108 years old. I 25 brought her to the state capital and we done a</p>	<p>1 you off. I had a supervisor that the areas that I 2 had in Madison County, he had been a supervisor for 3 30 years and lost. 4 Q. Was that -- 5 A. Banks. 6 Q. Carl Banks? 7 A. Yeah, thirty years. So something -- 8 something happened. If you want to talk about the 9 common bond or special interest or whatever. You 10 can call it whatever you want to call it. But you 11 don't need to win -- if you got six counties and you 12 win five and lose one. So call it what you want to 13 call it. 14 Q. What about the common bond with Issaquena 15 County? 16 A. It's okay. 17 Q. Humphreys County? 18 A. Same. We got the same pastors, same 19 schools, sports. And when I go to a constituent's 20 home and home is not so nice and I know how to sit 21 on the couch and how to drink ice water and tea. 22 And you can't get too big to serve your people. 23 Q. What about Yazoo County? 24 A. Same thing. 25 Q. And finally --</p>
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<p>1 concurrent resolution for her. And she was from 2 Eden, Mississippi. She had never been able to -- 3 during her productive years, she couldn't come into 4 the Mississippi Capital as the way she came. The 5 only way she could come is if she was cleaning up or 6 something like that. But situations like that, we 7 recognize -- we honored Gatemouth Moore, Dwight 8 Moore. And BB King, another situation.</p> <p>9 So we was able to work with a lot of 10 people that we knew their struggle, we knew where 11 they come from and try to show them that that was 12 their state capital, open doors. We just brought in 13 a lot of people, lot of groups, a lot of church 14 groups, a lot of pastors, because we had a feel for 15 the community. Students that wanted to be pagers, 16 we had a lot of that hands on. But I reckon I'm 17 still talking about the common bond.</p> <p>18 Q. I was going to ask you about -- 19 A. It's a big difference between the Delta 20 and Madison County. The part of Madison County I'm 21 talking about. See you picked the elite part of 22 Madison County. Now, Canton would have been a 23 different story. But it wasn't Canton, Mississippi. 24 Q. What about -- 25 A. And I had a supervisor too -- I'm cutting</p>	<p>1 A. We're talking about very low income -- low 2 to moderate income people. 3 Q. And finally, down in Madison County you 4 just didn't have any? 5 A. Well, you put -- they put the elite part 6 of Madison County. Lake Caroline and areas like 7 that in a minority district. 8 Q. I want to ask you something now. Do you 9 recall being rated by the NRA when you ran in 2015? 10 A. Not offhand. 11 MR. McDUFF: Object to the form. 12 BY MR. GRIFFIN: 13 Q. Have you ever been rated by the National 14 Rifle Association as a candidate? 15 A. I don't know. Probably so, but I don't 16 know what the rating was or nothing like that. Can 17 you -- for the record, I would like to know what the 18 rating was. 19 Q. Would it surprise you to know that when 20 you ran in 2015, the NRA gave you a zero rating with 21 respect to your position as a candidate on gun 22 rights? 23 A. No. 24 Q. Had you taken a position that was adverse 25 to gun owners, if you recall?</p>

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<p>1 A. Not that I know anything. That might go 2 back to who I was running against and the problems 3 we had raising money, cutting my signs up and 4 intimidating calls. 5 Q. Who was that? 6 A. I don't know. It don't make no 7 difference. I'm just saying I don't know what 8 happened. But I had not voted on anything that 9 would have been adverse -- that was adverse to 10 national gun rights folks. I hadn't -- so what did 11 I -- I'm just asking, what did I do to them? 12 Q. I honestly don't know. I just ask the 13 question because it was -- 14 A. But I did have -- I had the common 15 interest, common bond, I did have some groups like 16 superintendents, teachers and parents, I had a A1 17 rating from Parents for Better Education. 18 Q. And I understand you also had the 19 endorsement of the Mississippi Association of 20 Educators? 21 A. Uh-huh (affirmative response). 22 Q. Was that helpful during your campaign? 23 A. It was helpful, but I don't know how 24 helpful it was in Gluckstat and Lake Caroline in 25 that area.</p>	<p>1 his banker, friend of the family, daddy and momma 2 and all that. So he had several people that was 3 from Yazoo working, but I was -- I just wasn't out 4 front. I wasn't the county coordinator or county 5 manager or nothing like that. And I wasn't Bennie's 6 campaign manager. I think I stopped -- the reason I 7 stopped, because my son started doing it and some 8 other people and I was involved in some other stuff 9 and have to -- when you get up in age you have to 10 slow it down, let some of the young folks -- but 11 that's basically it. 12 Q. Got you. 13 A. The Espy family and our family, all us 14 from Yazoo. I was -- when Mike decided he was 15 not -- he was -- when he got the cabinet position 16 and the seat was open, I went with Henry Espy not -- 17 Q. Not Mike? 18 A. No, not Thompson. I went with Henry Espy 19 for congress. But Henry didn't win, then I switched 20 over to Bennie. And I stayed with Bennie. I've 21 been with Bennie ever since. 22 Q. Have you considered other factors which 23 may have contributed to your loss in the 2015 24 election, such as what you've testified about, about 25 the loss of campaign contributions? Could that have</p>
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<p>1 Q. Did they contribute funds or did they get 2 out and canvas for you -- 3 MR. McDUFF: What year are you talking 4 about, Charles? 5 BY MR. GRIFFIN: 6 Q. 2015? 7 A. '15? 8 Q. Yeah? 9 A. They supposed to had -- I think they did 10 get out and canvas in certain areas. I don't know 11 what areas. And they did give me a contribution and 12 I was appreciative of that. 13 Q. Now, you did serve as Yazoo County 14 coordinator for Bennie Thompson. And you were 15 involved in a management role for Thompson in Yazoo 16 County, correct? 17 A. Yes. 18 Q. But not for Espy in 2018. Let's see. 19 Was there a particular reason that you 20 were not as involved in Espy's campaign as you had 21 been in Thompson's? 22 A. Well, I have a son named the same thing, 23 Joseph. My son was involved in Mike's. 24 Q. Got you? 25 A. Mike's daddy was -- like I told you, I was</p>	<p>1 contributed to your defeat? 2 A. That hurt. It hurt. 3 MR. McDUFF: Object to the form. 4 BY MR. GRIFFIN: 5 Q. Could party loyalty, that is party loyalty 6 between Republicans to Republicans, Democrats to 7 Democrats, could that have affected your defeat in 8 the election of 2015? 9 A. See I'm -- in my area, the Mississippi 10 Delta, I don't know any -- talking about the towns 11 and cities, they don't have black Republicans. 12 Q. Is it your testimony that they don't have 13 a Republican primary? 14 A. They don't have black candidates or black 15 people that's in -- activity in the Republican 16 party. 17 Q. Okay. 18 A. I might be wrong, but I don't -- we don't 19 have candidates in Washington, Humphreys, Bolivar, 20 Sharkey that runs on a Republican ticket. So we're 21 talking about whites. 22 Q. Could incumbency of a particular candidate 23 have an impact? Not necessarily in your race, but 24 in other races where a Democrat, for example, may 25 have been defeated by a Republican and the</p>

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<p>1 Republican was already the incumbent. Could the 2 incumbency factor have had an impact on whether or 3 not the Democrat was able to win that race?</p> <p>4 MR. McDUFF: Object to the form.</p> <p>5 A. Republican --</p> <p>6 BY MR. GRIFFIN:</p> <p>7 Q. Strike that. Let me ask that a different 8 way.</p> <p>9 A. Okay.</p> <p>10 Q. In your view, does a incumbency have an 11 impact on races in the Mississippi Delta on District 12 22?</p> <p>13 MR. McDUFF: Object to the form.</p> <p>14 A. For a Republican incumbent had no affect. 15 It didn't really mean anything in District 22 in the 16 counties that I won. I got the vote. So it goes 17 back to race.</p> <p>18 BY MR. GRIFFIN:</p> <p>19 Q. In 2015?</p> <p>20 A. 2015.</p> <p>21 Q. You were not the incumbent, right?</p> <p>22 A. No. I say the mere fact of him being the 23 incumbent had no points, no factor.</p> <p>24 Q. How do you know?</p> <p>25 A. Because he didn't get the black vote.</p>	<p>1 A. It did. I mean, in terms -- what I did -- 2 we were grassroots. And the things we did we were 3 able to do and we was able to get the vote, which 4 was not TV. If I -- I needed more money, but not 5 necessarily to get on TV. That's what I'm trying to 6 say.</p> <p>7 Q. But your lack of funds led to lack of 8 media, which led to a deficiency in terms of your 9 voters?</p> <p>10 A. Yeah. If we had had more funds, we could 11 have done a better job and maybe could have done a 12 better job in Madison, but we did not have.</p> <p>13 Q. Did you run any TV in Madison?</p> <p>14 A. No, TV. We didn't have any -- you know, 15 the funds.</p> <p>16 Q. You didn't have the capital?</p> <p>17 A. Yeah, didn't have the capital. That's 18 right.</p> <p>19 Q. Do you recall whether the --</p> <p>20 A. And not -- I don't mean to cut you off.</p> <p>21 Q. Go ahead.</p> <p>22 A. But neither did my opponent. I don't 23 think he ran any TV ads either.</p> <p>24 Q. Do you recall what he did different in 25 Madison County?</p>
<p style="text-align: center;">Page 59</p> <p>1 Q. I didn't qualify the question now just by 2 the black vote.</p> <p>3 A. But you said Republican. I'm looking at 4 Republicans as being --</p> <p>5 Q. Synonomous with white?</p> <p>6 A. -- white. Yeah, white.</p> <p>7 Q. But wouldn't you agree with me that there 8 are some white Republicans and black Republicans 9 just like there are some white Democrats and black 10 Democrats?</p> <p>11 A. Slim to none in the Delta, in the areas 12 that I represent. I don't know of anyone -- I 13 really don't know of anybody that has ran as a 14 Republican, black that has ran as a Republican, I 15 don't.</p> <p>16 Q. I believe at some point, one point, did 17 Charles Evers run statewide as a Republican? Do you 18 recall that? Maybe I'm getting old.</p> <p>19 A. I didn't say nobody hadn't ran. But 20 really in the Mississippi Delta, the Democrats are 21 black and the Republicans are white. I wish I could 22 tell you differently, but that's just the way it is.</p> <p>23 Q. Now, in 2015, did your lack of funding 24 affect your ability to have access to media in terms 25 of commercials, television, for your campaign?</p>	<p style="text-align: center;">Page 61</p> <p>1 A. I don't think he did anything in Madison 2 County.</p> <p>3 Q. Did you do an analysis after the election 4 to --</p> <p>5 A. No, we was out there with the people and 6 the groups and stuff and I never seen him. I never 7 seen him at anything over there, anything in Yazoo 8 County. I never seen him Washington County or 9 Bolivar, or Sharkey or Humphreys. See I was 10 knocking on doors, going to meetings, going to 11 campaign activities. I never did see him during the 12 whole campaign.</p> <p>13 Q. During the 2015 campaign, you were not in 14 the legislature at all then?</p> <p>15 A. No, I wasn't.</p> <p>16 Q. Was he still Chairman of Appropriations?</p> <p>17 A. Yes.</p> <p>18 Q. And being Chairman of Appropriations means 19 something, doesn't it?</p> <p>20 A. Yes.</p> <p>21 MR. McDUFF: Object to the form.</p> <p>22 BY MR. GRIFFIN:</p> <p>23 Q. What does it mean?</p> <p>24 A. Being chairman?</p> <p>25 Q. Of Appropriations Committee?</p>

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<p>1 A. Yeah. 2 Q. That's a pretty -- 3 A. It is. 4 Q. -- powerful position? 5 A. It is. 6 MR. McDUFF: Object to the form. 7 BY MR. GRIFFIN: 8 Q. Will you explain to me the significance of 9 an individual who serves as a Chairman of the 10 Appropriations Committee? 11 MR. McDUFF: Object to the form. 12 A. Well, it's one of the -- two of the most 13 powerful committees in the legislature in the state 14 senate. That's what you're saying? 15 BY MR. GRIFFIN: 16 Q. He has a checkbook? 17 A. Yeah. And a lot of people, they cater to 18 that or look up to that. 19 Q. He has a checkbook? 20 A. Yeah, he has a checkbook, yeah. But the 21 people that you need to respond to are the people 22 back in your district. And those are the people 23 that you represent and not the state agencies or 24 groups or groups that you're writing checks for. 25 So basically all I was saying, all I'm</p>	<p>1 Q. And that was in 2012? 2 A. For 2015. 3 Q. Right. And of course you complained to 4 the Justice Department, correct? 5 A. Uh-huh (affirmative response). 6 Q. You complained to the lawyers at the 7 Justice Department, correct? 8 A. Uh-huh (affirmative response). 9 Q. The NAACP complained to the Justice 10 Department, correct? 11 A. Uh-huh (affirmative response). 12 Q. All of this was in 2012? 13 A. For '15, for the next election, which was 14 in '15. Yeah, well, that's what -- so it -- it 15 would have been tough. Because you always want 16 more. If the 46 would have been 48 I would have 17 felt better. But when they put the -- but I still 18 only lost by 1300 votes. 19 Q. 1300? 20 A. Uh-huh (affirmative response). 21 Q. Now what election -- this was 2015? 22 A. 2015. 23 Q. Let me get the chronology straight on the 24 dates that you ran for senate. Let's see. You were 25 elected to serve in 2004, correct?</p>
<p style="text-align: center;">Page 63</p> <p>1 saying now is in these districts, the common 2 interest, common bond, you need people to represent 3 you that's available and people that's out there 4 with you. 5 Q. I believe you've already testified that 6 the black voting population did not always turnout 7 at the same rate that majority voting age population 8 turned out? 9 A. Yes. 10 Q. Was what the case in 2015? 11 A. I think I got -- not really. But I think 12 I got 46 percent of the vote. So they came out, but 13 they could have came out better. I could have 14 gotten more. I don't know whether I would have 15 gotten enough to win, but I could have gotten more 16 than the 46 percent. 17 Q. Got you. Well, 46 percent, if they had 18 came out much more it could have carried you over 19 the edge, couldn't it? 20 MR. McDUFF: Object to the form. 21 BY MR. GRIFFIN: 22 Q. You can answer. 23 A. I will say no. Because what really kicked 24 me -- what really got me was the 10,000 white voters 25 that was added to a black district.</p>	<p style="text-align: center;">Page 65</p> <p>1 A. Yes, sir. 2 Q. So you ran in 2003? 3 A. Yes, that's right. 4 Q. And then you served from 2004 to 2008. 5 What happened in 2008? 6 A. I was getting -- I qualified to run and I 7 had an accident. I broke my ankle and I broke it at 8 church. 9 MR. McDUFF: Excuse me. He's asking you 10 about what happened in the 2007 election, or the 11 term beginning in 2008; is that right? 12 MR. GRIFFIN: Right. 13 BY MR. GRIFFIN: 14 Q. I'm asking why -- essentially I'm trying 15 to -- strike that. Let me rephrase it. 16 You weren't in the legislature after 2008, 17 correct? 18 A. No. That's what I was trying to explain. 19 Q. Tell me why you weren't in -- 20 A. I qualified to run as a Democrat. 21 Q. Okay. 22 A. And I was at a NAACP meeting at a 23 church -- 24 MR. McDUFF: Mr. Thomas, he's asking you 25 about 2007 not 2011.</p>

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<p>1 THE WITNESS: See, I was in the senate 2 from 2004 to 2008. 3 BY MR. GRIFFIN: 4 Q. Right. 5 A. You're talking about what happened after 6 then? 7 Q. No, I'm talking about 2007. Remember at 8 2008 you stopped. You were -- at the end of that 9 year you got out of the senate. 10 A. That's right. 11 Q. I'm trying to find out, did you just 12 retire? 13 A. Oh, okay. I'm sorry. I was going to run 14 again, but I'm saying I broke my ankle. 15 Q. So you were explaining -- 16 MR. McDUFF: But he's asking you about the 17 2007 election. And you've already testified that 18 you were defeated in that election? 19 THE WITNESS: Yeah. 20 BY MR. GRIFFIN: 21 Q. Who defeated you in that election? 22 A. Senator Kenny Wayne Jones. 23 Q. Is he white or is he African American? 24 A. He's African American. 25 Q. And what do you attribute -- strike that.</p>	<p>1 walk for about three or four months so I just got 2 out. 3 BY MR. GRIFFIN: 4 Q. Due to health related reasons you couldn't 5 do it? 6 A. Yes. 7 Q. During that timeframe, did you maintain 8 communication, continuity of interest with your 9 constituents or prior constituents or common 10 interest and bond or did you just take it to the 11 house and -- 12 A. No, I stayed involved. 13 Q. Now, was the first opportunity to run 14 again after you broke your ankle, was that first 15 opportunity to run again in 2015? 16 A. Yes. 17 Q. And that's when you decided to run but 18 your district had changed? 19 A. That's right. They changed my district, 20 kicked me out of 21. I didn't want to get out of 21 21 now. 22 Q. They didn't kick you out. It was actually 23 Kenny Wayne who was in there, right? 24 A. Yes. 25 Q. So the district had changed.</p>
Page 67	Page 69
<p>1 Do you recall how much he defeated you by 2 in terms of percentage in that election? 3 A. I think it was about a hundred votes. 4 Q. It was very close? 5 A. Yeah. 6 Q. And what county was he from? 7 A. It was Madison, Yazoo, Holmes and Attala. 8 Q. So that was District 21? 9 A. Twenty-one. 10 Q. Were you competing against him in a 11 primary or general election? 12 A. Primary. 13 Q. Democratic primary? 14 A. Democratic primary. 15 Q. Did you have or did he have a Republican 16 opponent, if you recall? 17 A. No. 18 Q. So following your loss in 2007, you didn't 19 decide to run again until 2015? 20 A. Okay. I qualified the next four years, 21 which would have been 2012. 22 MR. McDUFF: 2011. 23 A. That's when I qualified to run again. But 24 I didn't run because I broke my ankle about a month 25 after -- really after I qualified. And I couldn't</p>	<p>1 So do you know why -- did Kenny Wayne run 2 in the Democratic primary against you? 3 A. I had beat him before. 4 MR. McDUFF: What year are you talking 5 about? 6 MR. GRIFFIN: 2015. 7 A. I beat him in 2003. 8 BY MR. GRIFFIN: 9 Q. Okay. Did anybody run against you in the 10 Democratic primary in 2015? 11 A. No. 12 Q. You were unopposed? 13 A. Yes. 14 Q. Have you been elected or appointed to any 15 political office since 2015? 16 A. No. 17 Q. Other than the political offices that 18 you've been elected to and that you've testified 19 about so far, have you been elected to or appointed 20 to any other political offices that we have not 21 talked about? 22 A. I was appointed to a special task force by 23 a former governor, economic development task force 24 for the state. 25 Q. Which governor?</p>

18 (Pages 66 to 69)

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<p>1 A. Musgrove.</p> <p>2 Q. What year?</p> <p>3 A. I've forgotten the year. It's been a few</p> <p>4 years. But it was a special task force for economic</p> <p>5 development for our state.</p> <p>6 Q. How long did that appointment last?</p> <p>7 A. Four years probably. That's been a long</p> <p>8 time ago. And then I told you about the appraisal</p> <p>9 board, I set that up.</p> <p>10 Q. Right. Anything else?</p> <p>11 A. No, I can't think of anything.</p> <p>12 MR. GRIFFIN: Let's take a break.</p> <p>13 (Off the record.)</p> <p>14 BY MR. GRIFFIN:</p> <p>15 Q. All right. Mr. Thomas, I want to ask you</p> <p>16 some questions about your voting in the past. Do</p> <p>17 you recall whether you voted in 2003?</p> <p>18 A. Yes.</p> <p>19 Q. What about 2007?</p> <p>20 A. Yes. Talking about all the elections or</p> <p>21 just what?</p> <p>22 Q. The presidential elections -- well,</p> <p>23 actually all of the elections?</p> <p>24 A. Yeah. The only one election I did not</p> <p>25 vote in, I was in the hospital or sick and then I</p>	<p>1 exactly you were talking about in terms of who did</p> <p>2 what and what was going on. So let's explore that a</p> <p>3 little bit more fully, so I can get a better</p> <p>4 understanding of what was going on and who was doing</p> <p>5 it.</p> <p>6 A. I don't know who was doing it, so I can't</p> <p>7 answer that. I did have some signs that were</p> <p>8 destroyed, some large signs.</p> <p>9 Q. Yard signs?</p> <p>10 A. No. Four by eight signs. You know large</p> <p>11 signs, 4 feet by 8 feet.</p> <p>12 Q. Right. The kind that you put like at a</p> <p>13 corner at an intersection on an empty lot?</p> <p>14 A. Yeah, large sized signs. Four by eight</p> <p>15 that you have to have posts on both sides, both ends</p> <p>16 and something -- it's good if you got something in</p> <p>17 the middle to kind of keep them stationary.</p> <p>18 Q. Were they vandalized?</p> <p>19 A. Somebody took a box cutter and just cut</p> <p>20 them. It was in white areas, too.</p> <p>21 Q. Did you report those acts to the police?</p> <p>22 A. No, we didn't.</p> <p>23 Q. Did you ever learn who did it?</p> <p>24 A. No.</p> <p>25 Q. Do you have -- strike that.</p>
<p>1 broke my ankle. Other than that I should have.</p> <p>2 Q. What year would that have been?</p> <p>3 A. I don't know. That was during the</p> <p>4 timeframe that we were talking about, 2011 maybe</p> <p>5 during the time of the election.</p> <p>6 MR. McDUFF: Just for the record, your</p> <p>7 record -- Ms. Lenov (sic) gave an affidavit saying</p> <p>8 he did vote in 2011 in the general election.</p> <p>9 MR. GRIFFIN: Okay.</p> <p>10 MR. McDUFF: So I just -- for whatever</p> <p>11 that's worth. I just wanted to make that clear.</p> <p>12 BY MR. GRIFFIN:</p> <p>13 Q. In 2015 you voted?</p> <p>14 A. Yes.</p> <p>15 Q. In 2007?</p> <p>16 A. Yes.</p> <p>17 Q. Now, you testified earlier that a lot of</p> <p>18 things happened. I believe we were talking about</p> <p>19 during the 2015 campaign. Do you remember that</p> <p>20 testimony?</p> <p>21 A. Yes, sir.</p> <p>22 Q. I believe you testified that some signs</p> <p>23 got cut up?</p> <p>24 A. Uh-huh (affirmative response).</p> <p>25 Q. And I didn't thoroughly investigate what</p>	<p>1 As we sit here today, is it fair to say</p> <p>2 that you have no idea who did that?</p> <p>3 A. Yes, I don't know who did it.</p> <p>4 Q. Other than cutting up --</p> <p>5 A. But it did not happen in the minority</p> <p>6 areas.</p> <p>7 Q. So it only happened -- would it be your</p> <p>8 testimony that it only happened in Madison County?</p> <p>9 A. In Bolivar.</p> <p>10 Q. Now, in Bolivar, which precinct are we</p> <p>11 talks about; do you recall?</p> <p>12 A. No, I don't.</p> <p>13 Q. Okay.</p> <p>14 A. I had one other sign that's questionable.</p> <p>15 They never could keep it up and that was in another</p> <p>16 county. But where I actually had them cut with a</p> <p>17 box cutter was -- it was across from -- and I do</p> <p>18 have witnesses that it was cut. Somebody could</p> <p>19 testify to that. But it was across from -- I'm</p> <p>20 trying to think -- it was maybe on Stribling Road,</p> <p>21 somewhere in that area. Across from, what's the</p> <p>22 high school in Gluckstadt? The high school? The</p> <p>23 Mavericks.</p> <p>24 MS. MIRACLE: Germantown.</p> <p>25 A. Germantown. It's a vacant lot that sits</p>

19 (Pages 70 to 73)

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<p>1 behind the football field in that area.</p> <p>2 BY MR. GRIFFIN:</p> <p>3 Q. Do you believe -- strike that.</p> <p>4 Do you know if any other candidates had</p> <p>5 similar complaints about signs being cut?</p> <p>6 A. No, I don't know of any.</p> <p>7 Q. So there could have been, you just don't</p> <p>8 know?</p> <p>9 A. Yeah.</p> <p>10 Q. And you did not report this to the sheriff</p> <p>11 or to the police?</p> <p>12 A. No.</p> <p>13 Q. What about -- I believe you testified</p> <p>14 about some intimidating calls.</p> <p>15 A. Yes. But getting back to the signs. I</p> <p>16 had -- the sign that was on 14, and that would be</p> <p>17 the intersection of 14 and 61, I had problems with</p> <p>18 somebody just taking those down and putting them on</p> <p>19 the ground. Same thing with Bolivar. The only one</p> <p>20 I had that actually was with a box cutter that was</p> <p>21 cut up into pieces and that's where I -- I</p> <p>22 questioned that one. I was concerned about not so</p> <p>23 much somebody taking it down, but cutting it up with</p> <p>24 a box cutter. And that was the one across from</p> <p>25 Germantown school.</p>	<p>1 A. No, I didn't. And that was probably an</p> <p>2 error on my part, but anyway.</p> <p>3 Q. All in all, how many signs would you say</p> <p>4 we're talking about?</p> <p>5 A. I had two signs destroyed over there in</p> <p>6 Madison.</p> <p>7 Q. And how many did you have that were pulled</p> <p>8 down?</p> <p>9 A. Probably three or four, but I would put</p> <p>10 them back up.</p> <p>11 Q. Okay.</p> <p>12 A. They weren't destroyed. Just we were</p> <p>13 using little ties and just put new ties on them,</p> <p>14 little pull things.</p> <p>15 Q. So would you say it was a total of five</p> <p>16 percent of your signs or --</p> <p>17 A. I wouldn't say that much.</p> <p>18 Q. One percent, two percent?</p> <p>19 A. Yeah, something like that.</p> <p>20 Q. A nominal amount?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay.</p> <p>23 A. What concerned me was mainly, was somebody</p> <p>24 taking a box cutter. Because you could tell the</p> <p>25 cuts were straight. Somebody had taken a cutter and</p>
<p style="text-align: center;">Page 75</p> <p>1 Q. But the other ones were -- you said they</p> <p>2 laid them down?</p> <p>3 A. Yeah. Every time I put them up they'd</p> <p>4 take them down.</p> <p>5 Q. Okay. Could you tell whether or not they</p> <p>6 had been pulled up out of the ground or --</p> <p>7 A. No, the stakes would still be there. You</p> <p>8 know the stakes.</p> <p>9 Q. The stakes would be standing up, but the</p> <p>10 sign would be down?</p> <p>11 A. The sign would be down. Uh-huh</p> <p>12 (affirmative response).</p> <p>13 Q. It would be gone or it would just be down?</p> <p>14 A. Down or -- you know, down.</p> <p>15 Q. Could you tell definitively whether they</p> <p>16 had been intentionally removed or whether they had</p> <p>17 -- the wind --</p> <p>18 A. I think they were intentionally. Because,</p> <p>19 you know, we had people going through and they would</p> <p>20 see them and somebody had been taking them down. but</p> <p>21 they didn't destroy -- the only signs I had</p> <p>22 destroyed, you know, that I couldn't use no more was</p> <p>23 the Madison.</p> <p>24 Q. And you didn't report any of this to law</p> <p>25 enforcement?</p>	<p style="text-align: center;">Page 77</p> <p>1 cutting my signs up. I didn't like that.</p> <p>2 Q. I understand. In terms of the</p> <p>3 intimidating calls, what happened with that?</p> <p>4 A. We had -- we have our calls forwarded from</p> <p>5 my home phone to my wife's cell phone. And we would</p> <p>6 be on the road campaigning and it was -- it was the</p> <p>7 same person it looked like that just kept calling.</p> <p>8 And I think she -- I don't know whether she had it</p> <p>9 traced or whatever. But she found out it coming from</p> <p>10 the delta, Rosedale or somewhere up in that area.</p> <p>11 But the person basically would tell --</p> <p>12 would want to talk to me. Basically the person</p> <p>13 would say something like, you know, you ought to get</p> <p>14 out of the race, but I can help you if you get out</p> <p>15 the race, stuff like that.</p> <p>16 They would say your son has a trespassing</p> <p>17 -- what is it when somebody goes to the police</p> <p>18 department and they file a warrant or something, a</p> <p>19 trespassing warrant. They said your son, he's going</p> <p>20 to be arrested, you need to go on and get out of the</p> <p>21 race. You know, stuff like that. And he just kept</p> <p>22 calling and kept calling. And I didn't -- we didn't</p> <p>23 turn that over to the police. We was busy and we</p> <p>24 didn't want to get distracted. And it wasn't no</p> <p>25 cursing words, just conversation, conversation. And</p>

20 (Pages 74 to 77)

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<p>1 I told him the second, maybe third or fourth time to 2 stop calling me. I said, if my son has an affidavit 3 then the police need to arrest him. 4 Q. Did you save the telephone number? 5 A. I think she probably can get the numbers. 6 She can go back off the record. I'm sure she can 7 get that, hopefully. 8 Q. Why didn't you call the police? 9 A. Well, it wasn't anything harassing. It 10 was harassing, but it wasn't -- 11 Q. Threatening? 12 A. -- threatening to the extent that I'm 13 going to do something to you. They supposed to been 14 trying help me. Come to find out with my son, it 15 was -- he had a girlfriend or something and she had 16 filed a trespassing something, but she dropped it. 17 She said it wasn't nothing to it. They was just 18 arguing and I think he had gone by the house and was 19 on the porch or something and ended up she had filed 20 a trespassing for him not to come back. 21 Q. How old is he or was he at the time? 22 A. Forty years old. 23 (Laughter.) 24 Q. Okay. 25 A. I told the gentleman, I said -- he just</p>	<p>1 Is it your brief that the districts in the 2 Delta should be apportioned so that you have 3 majority white and majority black districts? 4 A. The Delta is black. 5 Q. So is it your position that the -- 6 A. Let's look at this -- look at the state. 7 Do we have a black governor, lieutenant governor or 8 do we have a black commission of insurance? Do we 9 have a black -- I'm just throwing some things out, 10 transportation commission, public service 11 commission, all those positions are white, yet we're 12 comprised of 40 percent of the state population. 13 So if you look at the Delta, so you don't 14 want us to have those senate seats that's supposed 15 to be black? You want to take those too? 16 Q. So is it your position that based on the 17 politics, statewide politics that the Delta 18 districts should be majority black? 19 MR. McDUFF: Object to the form. 20 A. If you cannot win where the black people 21 live, where can you live at -- where can you win at? 22 You can't win a black district, a white going to win 23 that. So we might as well just pack up and don't 24 vote. 25 Q. Now you say you worked with Clark. Have</p>
<p style="text-align: center;">Page 79</p> <p>1 wanted me to get out the race. He said, you need to 2 go on and get out because your son is going to jail. 3 I said, well, tell them to go on and get him and 4 take him to jail. 5 But anyway, I don't know where that was 6 coming from. I bought that up to say that it was a 7 difficult election. It wasn't the usual -- it 8 wasn't like one I had had before. 9 Q. What happened in the one you'd had before? 10 A. Well, it was a black -- see blacks can run 11 against blacks and you don't get all this. Looked 12 like when I ran against the Chairman of the 13 Appropriations Committee I started having problems. 14 Q. What other problems? 15 A. And that takes it back to race. When you 16 cut my signs up, I don't like that. Now, I don't 17 know who cut the signs up. I'm not saying he did or 18 nothing. And I worked with him in the legislature. 19 I don't have any problems with him and we worked 20 together good. He's a good man. But I don't think 21 that he should be in that the seat, whether I run or 22 get back in there or not, it's a black district. 23 Q. Got you. 24 And it's your belief that the district -- 25 strike that.</p>	<p style="text-align: center;">Page 81</p> <p>1 you ever had occasion -- you worked with him in the 2 senate? 3 A. What Clark? 4 Q. I'm sorry -- 5 A. Talking about Buck Clark? 6 Q. Yeah, Buck? 7 A. Yes. 8 Q. But have you ever had the occasion to need 9 to call him for constituent services while he's been 10 the senator? I mean, did you need to call him for 11 something just as a constituent? 12 A. No, I hadn't called him as constituent. 13 No. 14 Q. Would you have any reservation in doing -- 15 A. No. 16 Q. -- so if you needed to? 17 A. No. If I needed to call him, I would call 18 him. We were freshmen together in -- none of this 19 is personal. And it goes back to common interest 20 and bond and all that. 21 When we have been, as a race of people, 22 we've been deprived of services and having senators 23 in our community and having representatives and 24 senators and people of those nature, we don't have 25 them in the Delta. I think the whites are well</p>

21 (Pages 78 to 81)

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New Orleans

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1 represented all over the state.

2 So, you know, if you cannot have a
3 minority senator or representative in these
4 counties, especially the counties in the Delta --
5 but you need somebody that's available.

6 For instance, if you call 90 percent of
7 the people, in some cases it might be a hundred
8 percent in some of these areas, they don't know who
9 their senator is and never met him. Never been to a
10 meeting, never been to a organization, never been
11 to -- you know, that's where the common bond
12 interest I was talking about. You need to know your
13 senator, know your representative.

14 MR. GRIFFIN: Tender the witness.

15 MR. McDUFF: I have no questions at this
16 time.

17 (End of Proceedings.)

18 (Time Noted: 3:28 p.m.)

19 SIGNATURE/NOT WAIVED

20 ORIGINAL: CHARLES GRIFFIN, ESQ.

21

22

23

24

25

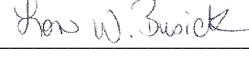
1 CERTIFICATE OF COURT REPORTER

2 I, Lori W. Busick, Court Reporter and
3 Notary Public, in and for the State of Mississippi,
4 hereby certify that the foregoing contains a true
5 and correct transcript of the testimony of Joseph
6 Thomas, as taken by me in the aforementioned matter
7 at the time and place heretofore stated, as taken by
8 stenotype and later reduced to typewritten form
9 under my supervision by means of computer-aided
10 transcription.

11 I further certify that under the authority
12 vested in me by the State of Mississippi that the
13 witness was placed under oath by me to truthfully
14 answer all questions in the matter.

15 I further certify that, to the best of my
16 knowledge, I am not in the employ of or related to
17 any party in this matter and have no interest,
18 monetary or otherwise, in the final outcome of this
19 matter.

20 Witness my signature and seal this the
21 24th day of January, 2018.

22
23 

24 Lori W. Busick

25 My Commission Expires:
August 22, 2022

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1 CERTIFICATE OF DEPONENT

2 DEPONENT: Joseph Thomas

3 DATE: January 16, 2019

4 CASE STYLE: Thomas, et al vs. Phil Bryant, et al

5 ORIGINAL TO: Charles Griffin, Esq.

6 I, the above-named deponent in the
7 deposition taken in the herein styled and numbered
8 cause, certify that I have examined the deposition
9 taken on the date above as to the correctness
10 thereof, and that after reading said pages, I find
11 them to contain a full and true transcript of the
12 testimony as given by me.

13 Subject to those corrections listed below,
14 if any, I find the transcript to be the correct
15 testimony I gave at the aforesated time and place.

16 Page Line Comments

17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____

16 This the _____ day of _____, 2019.

17 Joseph Thomas

18 State of Mississippi

19 County of _____

20 Subscribed and sworn to before me, this the
21 _____ day of _____, 2019.

22 My Commission Expires:

23 _____ Notary Public

24

25

22 (Pages 82 to 84)

Jackson Gulfport

**Brooks Court Reporting
1-800-245-3376**

Meridian New Orleans

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JOSEPH THOMAS; VERNON AYERS;
and MELVIN LAWSON

PLAINTIFFS

v.

CIVIL ACTION NO. 3:18-cv-441-CWR-FKB

PHIL BRYANT, Governor of the State of
Mississippi; DELBERT HOSEMAN,
Secretary of State of the State of Mississippi;
and JIM HOOD, Attorney General of the
State of Mississippi, all in their official capacities
of their own offices and in their official capacities
as members of the State Board of Election Commissioners

DEFENDANTS

NOTICE OF DEPOSITION

Please take notice that the Defendants will take the deposition of JOSEPH THOMAS, by and through their counsel of record, on **Wednesday, January 16, 2019, beginning at 1:00 p.m.**, at the offices of Robert McDuff, 767 N. Congress Street, Jackson, MS 39202.

The deposition will be taken upon oral examination before a court reporter or other officer authorized to administer oath. The deposition will continue from day-to-day thereafter until completed. Counsel for the parties are invited to attend and participate as appropriate under the law.

THIS the 14th day of January, 2019.

Respectfully submitted,

Governor Phil Bryant, Secretary of State Delbert Hosemann, and Attorney General Jim Hood in their official capacities of their respective offices and in their official capacities as members of the State Board of Election Commissioners

BY: /s/ Charles E. Griffin
CHARLES E. GRIFFIN (MB #5015)

ONE OF ITS ATTORNEYS

EXHIBIT	1
WIT:	Thomas
DATE:	
Brooks Court Reporting	

OF COUNSEL:

BUTLER SNOW LLP
Suite 1400
1020 Highland Colony Park
Ridgeland, MS 39157
Post Office Box 6010
Ridgeland, MS 39158-6010
Tel: (601) 985-4583
Fax: (601) 985-4500
E-mail: charles.griffin@butlersnow.com

CERTIFICATE OF SERVICE

I, Charles E. Griffin, hereby certify that on this day I caused the foregoing to be electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

SO CERTIFIED this, the 14th day of January, 2019.

/s/ Charles E. Griffin _____
CHARLES E. GRIFFIN

08/20/2012

Mr. Chris Herron
Chief, Voting-Civil Rights Division
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenues, N W
Washington, D C 20530

Dear Mr. Herron,

This letter is a request for the Department of Justice to look hard at the Mississippi Senate Redistricting plan. This plan has violated section 5 and 2 of the Voting Right Bill. Please take a look at District 21, 22, 34, City of Yazoo MS, and the overall plan that reduce blacks voting strength.

Fact:

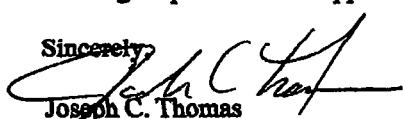
Mississippi has over 37% black population with a large percentage being in the Mississippi Delta. District 21 was moved out of Yazoo City which was the beginning of the Mississippi Delta. Yazoo City was in District 21 which had a 66.02%- 18+BLK. Now the new State Plan reduces Yazoo City to a 50.77, which will not allow us to elect a black. District 22 is 50.77% black. This district consists of all black towns and cities in the Mississippi Delta. This includes Hollandale, Belzoni, Louise, Isola, Rolling folk, Yazoo City and many other smaller towns. Most of these cities and towns are over 80 to 90% Black. Example- Yazoo City's population is around 11,000-85% black with a black Mayor and four out of five black Aldermen.

Mississippi's plan says District 22 is one of the 15 black senate Districts. They failed to tell that it is a Federal Prison in Yazoo City with a population way over 2000 inmates. These inmates cannot vote and will make this district fall below 50% black. The Senator in this District is white and lives in Hollandale a majority black city and no black has been able to win in this district. The reason is they all way go out of the community of common interest to fine white voters when they have enough black voters in these cities and towns. District 22 denies black voters by going over 80 miles from a white Senator's hometown, a rural community to an urban community in Madison County- (Gluckstadt MS) - nine miles from Jackson, Mississippi the State Capital. This area is an upscale white community, with no common interest to the very poor Mississippi Delta.

Finally, the State Plan clearly reduces over 17 impact districts with 30 to 40% black population. These districts were doing well and had influences with numbers.

Once again please do not approve Mississippi's plan.

Sincerely,



Joseph C. Thomas

EXHIBIT	2
WIT:	
DATE:	
Brooks Court Reporting	

Chief, Voting Section-Civil Rights Division

Room 7254-NWB Department of Justice

950 Pennsylvania Ave, NW.

Washington, D C 20530

Dear Department of Justice,

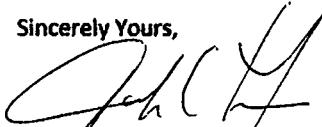
This letter is a request for the Department of Justice to look hard at the Mississippi Senate Plan- "Composite2" when it come to you for pre- approval. This Plan has taken majority black Cities and Towns in the Mississippi Delta and reduced their voting rights by adding white's voters that do not live in the Mississippi Delta. This plan will reduce the number of black senators in our state. Mississippi is about 40% black and the plan call for 13 senators and two more districts with a %18+, 50.36 and 50.29. These two district uses Delta voters for example- current district 21 is a 66% black it includes Yazoo City-County. The Proposed new Senate Plan takes Yazoo out of 21 and places it in 22. This is regression for Yazoo City and county - being in a 66% district and now in a 50.36 % District. Both proposed district 22 and 29 are not winnable districts by using any standards, they were set up to keep the number of black Senators at 13, while saying they have 15 black districts.

Yazoo City is over 80% black and Yazoo County has over 50% black and the census will indicate we held our population well during the last ten years. The Senate plan will cut Yazoo in to two Senate Districts and both are not winnable for blacks- example: 50.36% black and 41.50% blacks.

The Senate Plan will take four large Majority Black Counties and place Gluckstadt in Madison County, a white community 9 miles from Jackson metropolitan areas with no common interest to the Delta. They also gave this district the highest deviation of 2,777 or 4.88%.

Once again, please look hard at this plan to protect our voting rights.

Sincerely Yours,



Joseph C. Thomas

EXHIBIT	3
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Brooks Court Reporting	